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OF GOVERNMENTAL
AGENCIES



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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

2007 REGISTER SCHEDULE VOLUME #31

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 26, 2006	January 5, 2007
2	January 2, 2007	January 12, 2007
3	January 8, 2007	January 19, 2007
4	January 16, 2007	January 26, 2007
5	January 22, 2007	February 2, 2007
6	January 29, 2007	February 9, 2007
7	February 5, 2007	February 16, 2007
8	February 13, 2007	February 23, 2007
9	February 19, 2007	March 2, 2007
10	February 26, 2007	March 9, 2007
11	March 5, 2007	March 16, 2007
12	March 12, 2007	March 23, 2007
13	March 19, 2007	March 30, 2007
14	March 26, 2007	April 6, 2007
15	April 2, 2007	April 13, 2007
16	April 9, 2007	April 20, 2007
17	April 16, 2007	April 27, 2007
18	April 23, 2007	May 4, 2007
19	April 30, 2007	May 11, 2007
20	May 7, 2007	May 18, 2007
21	May 14, 2007	May 25, 2007
22	May 21, 2007	June 1, 2007
23	May 29, 2007	June 8, 2007

24	June 4, 2007	June 15, 2007
<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
25	June 11, 2007	June 22, 2007
26	June 18, 2007	June 29, 2007
27	June 25, 2007	July 6, 2007
28	July 2, 2007	July 13, 2007
29	July 9, 2007	July 20, 2007
30	July 16, 2007	July 27, 2007
31	July 23, 2007	August 3, 2007
32	July 30, 2007	August 10, 2007
33	August 6, 2007	August 17, 2007
34	August 13, 2007	August 24, 2007
35	August 20, 2007	August 31, 2007
36	August 27, 2007	September 7, 2007
37	September 4, 2007	September 14, 2007
38	September 10, 2007	September 21, 2007
39	September 17, 2007	September 28, 2007
40	September 24, 2007	October 5, 2007
41	October 1, 2007	October 12, 2007
42	October 9, 2007	October 19, 2007
43	October 15, 2007	October 26, 2007
44	October 22, 2007	November 2, 2007
45	October 29, 2007	November 12, 2007
46	November 5, 2007	November 16, 2007
47	November 12, 2007	November 26, 2007
48	November 19, 2007	December 1, 2006
49	November 26, 2007	December 7, 2007
50	December 3, 2007	December 14, 2007
51	December 10, 2007	December 21, 2007
52	December 17, 2007	December 28, 2007

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
148.126	Amendment
148.295	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments concerning hospital services provide additional funding under the Safety Net Adjustment Payments (SNAP) and Critical Hospital Adjustment Payments (CHAP) to ensure access to quality health care for medical assistance clients. An increase in spending by approximately \$27.2 million for both programs is anticipated.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
148.140	Amendment	30 Ill. Reg. 13268; August 11, 2006
148.210	Amendment	30 Ill. Reg. 13636; August 18, 2006
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Tamara Tanzillo Hoffman
Chief of Administration and Rules
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/557-7157

The Department requests the submission of written comments within 30 days after the publication of this Notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded hospitals
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on Which this Rulemaking Was Summarized: These proposed amendments were not included on either of the two most recent regulatory agendas because: this rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments that appears in this issue of the *Illinois Register* on page 1997:

DEBT COLLECTION BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: State Agency Accounts Receivable
- 2) Code Citation: 74 Ill. Adm. Code 910
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
910.10	Amendment
910.20	Amendment
910.30	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 8 of the Illinois State Collection Act of 1986 [30 ILCS 210/8]
- 5) Effective Date of Amendments: January 10, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal was Published in the Illinois Register: May 12, 2006; 30 Ill. Reg. 8730
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version No substantive changes were made; minor editing changes were made.
- 12) Have all of the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: As a result of Public Act 93-570, which created a Debt Collection Unit within the Department of Revenue, and subsequent rulemaking (74 Ill. Adm. Code 1200), the collection of debt for certain State agencies is no longer

DEBT COLLECTION BOARD

NOTICE OF ADOPTED AMENDMENTS

under the jurisdiction of the Debt Collection Board. This rulemaking clarifies that this Part does not apply to agencies under the jurisdiction of the Department of Revenue.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Gina Wilson
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield IL 62706

217/785-1793

- 17) Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

The full text of the Adopted Amendments begins on the next page:

DEBT COLLECTION BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 74: PUBLIC FINANCE

CHAPTER VIII: DEBT COLLECTION BOARD

PART 910

STATE AGENCY ACCOUNTS RECEIVABLE

Section	
910.10	Scope
910.20	Definitions
910.30	Assumption of Jurisdiction by Board
910.40	Agency Referrals
910.50	Actions by Board
910.60	Format; Board Procedures
910.70	Voiding a Contract

AUTHORITY: Implementing and authorized by Section 8 of the Illinois State Collection Act of 1986 [30 ILCS 210/8].

SOURCE: Adopted at 21 Ill. Reg. 11921, effective August 15, 1997; amended at 26 Ill. Reg. 9302, effective July 1, 2002; amended at 27 Ill. Reg. 1542, effective January 17, 2003; amended at 31 Ill. Reg. 1951, effective January 10, 2006.

Section 910.10 Scope

This Part ~~describes is to implement Public Act 89-511 and set forth~~ when and how the Debt Collection Board assumes jurisdiction over those State agency accounts receivable ~~that are not required to be referred to the Department of Revenue's Debt Collection Bureau~~. This Part also ~~implements Public Act 92-404 and~~ sets forth guidelines for terminating or denying a State contract with a person or vendor if that person or vendor knows or should know that he or she is delinquent in the payment of any debt to the State.

(Source: Amended at 31 Ill. Reg. 1951, effective January 10, 2006)

Section 910.20 Definitions

- a) For purposes of this Part, "State agency" shall have the meaning found in the Illinois State Auditing Act.
- b) For purposes of this Part, "State agency account receivable", "~~accounts~~account(s)"

DEBT COLLECTION BOARD

NOTICE OF ADOPTED AMENDMENTS

receivable", or "~~receivables~~receivable(s)" shall mean amounts due a State agency from non-governmental entities ~~that~~which are legally enforceable, ~~that~~which have not been lawfully certified as uncollectable, ~~and~~ for which there is no legal barrier to referral to the Board for recovery, ~~and that are not otherwise required to be referred to the Department of Revenue's Debt Collection Bureau.~~ Amounts due the General Assembly, the Supreme Court and the several courts of this State and the constitutionally elected State Officers are included only if ~~those entities~~they elect to have ~~their~~such receivables subject to the Board's jurisdiction. The definition shall not include:

- 1) amounts less than \$100;
~~AGENCY~~ (NOTE: Nothing in this Part prohibits agencies from referring receivables to the Board in amounts less than \$100.)
 - 2) amounts due the Illinois Student Assistance Commission under the student loan program.
- c) For purposes of Section 50-11 of the Illinois Procurement Code [~~30~~ ILCS 500/50-11] a person shall be considered to be "delinquent in the payment of any debt" if that person owes a debt to the State or any of its agencies that totals \$1000 or more, exclusive of interest, and that is more than 90 days past due. A debt due the State shall refer to any receivable owed the State, as defined in procedure 26.20.10 of the Comptroller's Statewide Accounting Management System (SAMS) manual, subject to the exceptions listed in subsections (c)(1) and (c)(2). Procedure 26.20.10 of the SAMS manual, as in effect January 1, 2001, is hereby incorporated by reference. No later editions or amendments are included. A copy of procedure 26.20.10 may be obtained upon request from the Office of the Comptroller, 325 West Adams Street, Springfield, Illinois 62704. To the extent the formal due date of any receivable is not established by law, the due date of that receivable for purposes of this Section shall be computed using the method set forth in procedure 26.20.10 of the SAMS manual. The following debts shall not be considered delinquent for purposes of this Section:
- 1) debts that are the subject of a pending administrative or judicial review;
 - 2) debts that are covered by a written payment agreement, so long as the debtor is current in his payments under the terms of the payment agreement.

DEBT COLLECTION BOARD

NOTICE OF ADOPTED AMENDMENTS

- d) For purposes of this Part, "uncollectable" shall have the meaning found in Section 2 of the Uncollected State Claims Act [30 ILCS 205/2].

(Source: Amended at 31 Ill. Reg. 1951, effective January 10, 2006)

Section 910.30 Assumption of Jurisdiction by Board

- a) Accounts receivable ~~that~~~~which~~ are more than 180 days old, as defined in Section 910.20, will automatically be subject to the Board's jurisdiction unless the applicable State agency attests that the accounts fall into one of the categories set forth in subsection (c) of this Section. During the initial 180 day period, the agency should pursue its own internal collection procedures. Standards for initiating collection are set forth in Section 26.40.10 of the Comptroller's Statewide Accounting Management System (SAMS). Collection procedures should include steps such as a reasonable written billing cycle, telephone contacts, personal contacts through agency collectors, and wherever possible, referral to private collection vendors.
- b) For purposes of this Part, the 180 day period begins to run on the day the receivable becomes enforceable. The beginning date used to calculate the 180 day period for debtors having multiple debts will be established by the agency based on procedures approved by the Board.
- c) The Board will not assume jurisdiction over receivables more than 180 days old if:
- 1) The receivables are subject to an acceptable installment payment plan.
 - A) Such a plan should provide for repayment of the entire remaining balance due, together with applicable interest over a period not to exceed 3 years. If no interest rate is specified by law, the agency should require the use of simple interest at the judgment rate of 9% per year.
 - B) If an agency believes that it is in the best interests of the State to accept, as part of its collection efforts, payment plans for terms in excess of 3 years, and the agency collection procedures have not been approved by the Board pursuant to subsection (c)(2)(A)(i) ~~below~~, it must seek the Board's specific authorization for thesuch

DEBT COLLECTION BOARD

NOTICE OF ADOPTED AMENDMENTS

payment plans.

- C) Receivables subject to an acceptable installment payment plan ~~that~~which are delinquent under that plan for more than 90 days automatically become subject to the Board's jurisdiction unless the receivables are subject to subsection (c)(2), (3), (4) or (5)~~below~~.

- 2) The Board determines, based on information provided by the agency:

- A) That:

- i) the receivables are currently the subject of ongoing collection efforts by the agency pursuant to collection procedures approved by the Board; and
- ii) in light of ~~those~~such collection efforts, it would not be in the State's best interest for the Board to assume jurisdiction over ~~the~~such receivables.

- B) Factors to be considered by the Board ~~in determining to determine~~ whether an agency's collection procedures should be approved include:

- i) the statutory and regulatory methods available to the agency for use in collecting its receivables;
- ii) whether the agency has been using such methods, as well as applicable methods described in subsection (a)~~above~~, to collect its receivables as expeditiously as possible;
- iii) the number of agency staff dedicated to collection of accounts receivable;
- iv) the volume of agency receivables;
- v) the agency's historical percentage rate of collections;
- vi) the level of automation of the agency's collection system.

DEBT COLLECTION BOARD

NOTICE OF ADOPTED AMENDMENTS

- C) If the Board approves an agency's collection procedures pursuant to subsection (c)(2)(A)(i), future receivables (or categories of receivables) subject to ongoing collection efforts pursuant to ~~those~~^{such} procedures need not be submitted to the Board for exemption.
- D) The Board may periodically request an agency to submit information concerning its collection procedures. If, based on ~~that~~^{such} information, the Board determines that an agency's collection procedures are no longer acceptable, approval of ~~the~~^{such} procedures may be withdrawn and the Board may assume jurisdiction over the agency's receivables more than 180 days old.
- 3) The receivables are currently the subject of an ongoing wage levy, whether that levy is the result of a judgment entered in circuit court or an administrative levy issued without judgment.
- 4) The receivables are currently the subject of litigation being pursued in the State of Illinois through the Office of the Attorney General, State's Attorneys' Offices or, where authorized by the Attorney General, by private counsel retained on behalf of the agency.
- 5) The receivables have been referred to a private collection vendor by the agency and the receivables have been with that vendor for 90 days or less. Agency contracts with private collection vendors ~~entered into after the effective date of this rulemaking~~ should provide that receivables referred to the vendor for which there have been no payments or other activity should be returned to the agency after 90 days.
- 6) Receivables subject to one of the exceptions listed in subsection (c)(2), (3), (4) or (5) ~~above~~ shall automatically be subject to the Board's jurisdiction 60 days after the agency has ceased ongoing collection efforts (other than those referenced in subsection (d)) pursuant to such exceptions.
- d) Referral of a receivable to the Comptroller's offset program, or institution of a license revocation proceeding either before or after the expiration of the 180 day period ~~preceding Board jurisdiction, set forth above~~ does not automatically prevent the receivable from becoming subject to the Board's jurisdiction.

DEBT COLLECTION BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 31 Ill. Reg. 1951, effective January 10, 2006)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Taking of Wild Turkeys – Spring Season
- 2) Code Citation: 17 Ill. Adm. Code 710
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
710.10	Amendment
710.20	Amendment
710.22	Amendment
710.50	Amendment
710.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11]
- 5) Effective Date of Amendments: January 16, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 20, 2006; 30 Ill. Reg. 16552
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This adopted Part changes season dates; clarifies that lifetime licenses issued after August 15, 2006, do not qualify a non-resident of Illinois for a resident turkey permit; updates methods of application; changes application

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

information for landowner/tenant permits; updates sites open for hunting; updates site-specific regulations; and updates the list of sites open to Spring Youth Turkey Hunting.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 710

THE TAKING OF WILD TURKEYS – SPRING SEASON

Section

710.5	Hunting Zones
710.10	Hunting Seasons
710.20	Statewide Turkey Permit Requirements
710.21	Turkey Permit Requirements – Special Hunts (Renumbered)
710.22	Turkey Permit Requirements – Landowner/Tenant Permits
710.25	Turkey Permit Requirements – Special Hunts
710.28	Turkey Permit Requirements – Heritage Youth Turkey Hunt (Repealed)
710.30	Turkey Hunting Regulations
710.40	Other Regulations (Repealed)
710.50	Regulations at Various Department-Owned or -Managed Sites
710.55	Special Hunts for Disabled Hunters
710.60	Releasing or Stocking of Turkeys
710.70	Spring Youth Turkey Hunt

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 4 Ill. Reg. 15, p. 153, effective April 1, 1980; codified at 5 Ill. Reg. 10643; amended at 6 Ill. Reg. 3852, effective March 31, 1982; amended at 7 Ill. Reg. 4208, effective March 25, 1983; amended at 8 Ill. Reg. 5663, effective April 16, 1984; amended at 9 Ill. Reg. 6200, effective April 24, 1985; amended at 10 Ill. Reg. 6848, effective April 4, 1986; amended at 11 Ill. Reg. 2267, effective January 20, 1987; amended at 12 Ill. Reg. 5342, effective March 8, 1988; amended at 13 Ill. Reg. 5090, effective April 4, 1989; amended at 14 Ill. Reg. 663, effective January 2, 1990; amended at 15 Ill. Reg. 4161, effective March 4, 1991; amended at 16 Ill. Reg. 1843, effective January 17, 1992; amended at 17 Ill. Reg. 3184, effective March 2, 1993; amended at 18 Ill. Reg. 1156, effective January 18, 1994; emergency amendment at 18 Ill. Reg. 3751, effective March 1, 1994, for a maximum of 150 days; emergency expired July 29, 1994; amended at 19 Ill. Reg. 2450, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5312, effective April 1, 1995, for a maximum of 150 days; emergency expired August 29, 1995; amended at 20 Ill. Reg. 777, effective December 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Reg. 9389; amended at 21 Ill. Reg. 3125, effective March 3, 1997; amended at 22 Ill. Reg. 2192, effective January 2, 1998; amended at 22 Ill. Reg. 19568, effective October 23, 1998; amended at 23 Ill. Reg. 11956, effective September 21, 1999; amended at 24 Ill. Reg. 7984, effective May 24, 2000; amended at 24 Ill. Reg. 17778, effective November 27, 2000; amended at 25 Ill. Reg. 14176, effective October 22, 2001; amended at 26 Ill. Reg. 18028, effective December 6, 2002; amended at 27 Ill. Reg. 17075, effective October 22, 2003; amended at 29 Ill. Reg. 3935, effective February 24, 2005; amended at 29 Ill. Reg. 20484, effective December 2, 2005; amended at 31 Ill. Reg. 1958, effective January 16, 2007.

Section 710.10 Hunting Seasons

a) Northern Zone Season Dates:

1st Season: Monday, April 16-Friday, April 20, 2007~~Monday, April 10-Friday, April 14, 2006~~

2nd Season: Saturday, April 21-Thursday, April 26, 2007~~Saturday, April 15-Thursday, April 20, 2006~~

3rd Season: Friday, April 27-Wednesday, May 2, 2007~~Friday, April 21-Wednesday, April 26, 2006~~

4th Season: Thursday, May 3-Wednesday, May 9, 2007~~Thursday, April 27-Wednesday May 3, 2006~~

5th Season: Thursday, May 10-Thursday, May 17, 2007~~Thursday, May 4-Thursday, May 11, 2006~~

b) Southern Zone Season Dates:

1st Season: Monday, April 9-Friday, April 13, 2007~~Monday, April 3-Friday, April 7, 2006~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

2 nd Season:	<u>Saturday, April 14-Thursday, April 19, 2007</u> Saturday, April 8-Thursday, April 13, 2006
3 rd Season:	<u>Friday, April 20-Wednesday, April 25, 2007</u> Friday, April 14-Wednesday, April 19, 2006
4 th Season:	<u>Thursday, April 26-Wednesday, May 2, 2007</u> Thursday, April 20-Wednesday, April 26, 2006
5 th Season:	<u>Thursday, May 3-Thursday, May 10, 2007</u> Thursday, April 27-Thursday, May 4, 2006

c) Open Counties:

NORTHERN ZONE

Adams
Boone
Brown
Bureau
Calhoun
Carroll
Cass
Champaign
Christian
Clark
Coles
Cumberland
DeKalb
DeWitt
Edgar
Fulton
Greene
Grundy
Hancock
Henderson

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Henry
Iroquois
Jersey
Jo Daviess
Kankakee
Kendall
Knox
La Salle
Lee
Livingston
Logan
Macon
Macoupin
Marshall-Putnam
Mason
McDonough
McHenry
McLean
Menard
Mercer
Montgomery
Morgan
Moultrie
Ogle
Peoria
Piatt
Pike
Rock Island
Sangamon
Schuyler
Scott
Shelby
Stark
Stephenson
Tazewell
Vermilion
Warren
Whiteside
Will

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Winnebago
Woodford

SOUTHERN ZONE

Alexander
Bond
Clay
Clinton
Crawford
Edwards
Effingham
Fayette
Franklin
Hamilton
Gallatin-Hardin
Jackson
Jasper
Jefferson
Johnson
Lawrence
Madison
Marion
Massac
Monroe
Perry
Pope
Pulaski
Randolph
Richland
Saline
St. Clair
Union
Wabash
Washington
Wayne
White
Williamson

(Source: Amended at 31 Ill. Reg. 1958, effective January 16, 2007)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 710.20 Statewide Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Natural Resources for a fee of \$15. Lifetime licenses issued after August 15, 2006 shall not qualify a non-resident of Illinois for a resident turkey permit. Non-resident turkey hunters shall be charged the maximum fee as allowed by Section 2.11 of the Wildlife Code [520 ILCS 5/2.11] for each wild turkey hunting permit. All hunters, except those exempted by Section 3.1 of the Wildlife Code [520 ILCS 5/3.1] are also required to obtain a hunting license before hunting wild turkey. Permits are issued for a specific county or area and are valid only in the county or area designated on the permit. Applications for wild turkey permits shall be completed and submitted by visiting one of the Illinois Department of Natural Resources' DNR-Direct License vendors, by applying on-line at www.dnr.state.il.us, by calling DNR-Direct License sales at 1-888-6PERMIT (1-888-673-7648) or by mailing~~must be mailed~~ to:

Department of Natural Resources – Spring Turkey
One Natural Resources Way
P.O. Box 19446
Springfield, Illinois 62794-9446~~62702-1271~~

- b) Applicants must supply all information necessary to complete ~~all portions of the permit application form~~. Incomplete applications will be rejected and fees returned. Each applicant must submit payment a personal check or money order for his/her individual application at the time of application. Not more than 4 applications may be submitted for group hunters. Applicants submitting applications within three weeks of the season will not be guaranteed receipt of permit by start of season.
- c) Applications from Illinois residents will be accepted through December 1. Applications received in the permit office after December 1 will be included in the next computerized drawing. All requests must be on an official application form. Permits are not transferable and refunds will not be granted. Permits will be allocated in a computerized drawing to be held in Springfield. Applicants rejected in this drawing will receive preference in the next year's drawing for spring season permits subject to guidelines outlined in subsection (g).

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- d) Permits not issued during the first computerized drawing will be available in a second computerized lottery drawing. Applications for this drawing will be accepted through the first working day after January 10. Applications received after this date will be included in the next drawing. All hunters not receiving a permit in the first computerized drawing and non-residents may apply at this time for the available permits. All resident permit applications will receive preference over non-resident applications.
- e) Any hunter who has not received a permit, and hunters that have received only one permit, may apply for a first or a second permit in a third computerized lottery drawing for the remaining permits. All resident permit applications will receive preference over non-resident applications. Applications for this third drawing will be accepted through the first working day after February 8. Applications received after this date will be included in the next drawing.
- f) Permits remaining after the three lotteries will be available in a random daily drawing that begins the first working day after March 8. All applications received on or before the first working day after March 8 will be processed in the first daily drawing. This drawing period is open to hunters applying for their first, second, or third permits.
- g) The following criteria must be met to obtain preference in the first computerized drawing:
 - 1) The applicant must apply using the official agency application.
 - 2) The applicant must be a resident of the State, be eligible to receive a spring turkey permit, and not had turkey hunting privileges revoked.
 - 3) The applicant must apply for the same county and season choices which he/she listed on the previous year's application. Preference will not be granted for special hunt areas as listed in Section 710.25 or for permit areas listed in Section 710.50(c).
- h) A \$3 service fee will be charged for replacement permits issued by the Department.
- i) The periods for accepting applications for the first three lotteries may be extended if applications are not available to the public by November 1. A news release will

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announce the extension of the application periods.

- j) It shall be unlawful to:
- 1) Submit applications before the second computerized lottery drawing for more than one permit for the same person, ~~and thereafter, submittal of applications for receiving more than three permits for the same person.~~
 - 2) Submit applications before the third computerized lottery drawing for more than two permits for the same person.
 - 3) Apply for or receive more than three permits for the spring turkey season.
 - 4) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this section shall have their application rejected, permit revoked, and fees forfeited.

(Source: Amended at 31 Ill. Reg. 1958, effective January 16, 2007)

Section 710.22 Turkey Permit Requirements – Landowner/Tenant Permits

- a) The "immediate family" is defined as the spouse, children, and parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. A hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.
- c) Resident landowners who own 40 acres or more of land, and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family may apply for one free turkey permit for their property only in counties open for turkey hunting. Non-resident Illinois landowners of 40 or more acres of land and members of their immediate family are eligible to receive a permit for their property only for a fee of \$37.50. All landowners/tenants who do not reside on the property must possess a valid hunting license.

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- d) Applicants for Landowner/Tenant permits must apply using the official application form. Applications for Landowner/Tenant wild turkey permits must be submitted to:

Illinois Department of Natural Resources
POH Spring Wild Turkey Permit
One Natural Resources Way
P.O. Box 19227
Springfield IL 62794-9227

- e) Landowners or tenants are not required to participate in the public drawing for permits. Landowner/tenant permits are valid for the entire 32 days encompassed by the 5 seasons, but allow the taking of only one wild turkey. This turkey hunting permit shall be valid on all lands the permit holder owns, leases, or rents in counties open for spring turkey hunting.
- f) Recipients of Landowner/Tenant permits to hunt their owned or leased property may apply for a second permit in the third lottery (the first working day after February 8), and a third permit in the Random Daily Drawing period that begins the first working day after March 8. Fees for these additional permits shall be \$15 for residents and the maximum fee as allowed by Section 2.11 of the Wildlife Code [520 ILCS 5/2.11] for nonresidents.
- g) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:
- 1) Submittal of a copy of property deed;
 - 2) Submittal of a copy of contract for deed;
 - 3) Submittal of copy of most recent real estate tax statement upon which landowner's name appears;
 - 4) Submittal of a copy of a Farm Service Agency 156EZ form; or
 - 5) Submittal of a copy of trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.

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~~h)g)~~ If you are applying for a tenant permit, you are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:

- 1) Submittal of a copy of a lease (not a hunting rights lease) or rental agreement, file stamped as recorded by the County Clerk, covering the current year; or
- 2) Submittal of a copy of a Farm Service Agency 156EZ form.

~~i)h)~~ If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate families may receive turkey permits.

~~j)i)~~ Shareholder Landowner Permits

- 1) Bona fide equity shareholders of corporations owning 40 or more acres of land in a county may apply for a free permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a free permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a free permit by the shareholders of the trustee. If application is made for a free permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder as defined in this subsection (~~j)i)~~, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office. This shareholder turkey permit shall be free to eligible residents and the cost to eligible nonresidents shall be \$37.50.
- 2) Bona fide equity shareholder means an individual who:

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- A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and
- B) intends to retain the ownership of the shares of stock for at least 5 years.

(Source: Amended at 31 Ill. Reg. 1958, effective January 16, 2007)

Section 710.50 Regulations at Various Department-Owned or -Managed Sites

- a) Hunters who intend to hunt Department sites and who have a physical disability that requires special accommodations must contact the site superintendent at least 10 days before the date they wish to hunt. The site superintendent shall make reasonable accommodations necessary to allow the disabled person to participate in the hunting experience at the site. Disabled hunters who require an aide or assistant with them during the hunt are responsible for providing the aide or assistant and notifying the site superintendent that an assistant will be present, and whether the assistant will also be hunting.
- b) Hunters must sign in/sign out at all sites in subsections (c) and (d) which are followed by a (1).
- c) Statewide regulations shall apply for the following sites:
 - Anderson Lake Conservation Area (1)
 - Argyle Lake State Park (1)
 - Cache River State Natural Area (1)
 - Campbell Pond Wildlife Management Area
 - Carlyle Lake Wildlife Management Area

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Cypress Pond State Natural Area (1)

Deer Pond State Natural Area (1)

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area (1)

Ferne Clyffe State Park – Cedar Draper Bluff Hunting Area (1)

Fort de Chartres State Historic Site (muzzleloading shotgun or archery only; no in-line muzzleloading shotguns or muzzleloaders with scopes allowed) (1)

~~Franklin Creek State Park (1)~~

Giant City State Park (1)

Horseshoe Lake Conservation Area – Alexander County (controlled goose hunting area and public hunting area only) (1)

Jubilee State Park (archery only) (1)

Kaskaskia River State Fish and Wildlife Area (no hunting east of and within 50 yards of the defined Baldwin Lake Waterfowl Rest Area's main north-south road, within 100 yards of any house or building, or south of the Dry Lake access road; except for that area lying north of Highway 154, east of the Kaskaskia River, and south of the Risdon School Road and Beck's Landing access road; a handicapped hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, may hunt at the site's designated handicapped hunting spot within this closed area; the hunting spot will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Kinkaid Lake Fish and Wildlife Area (1)

Mark Twain National Wildlife Refuge, Gardner Division

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Mississippi River Fish and Wildlife Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18, 21, 22, and 24

Nauvoo State Park (Max Rowe Unit only)

Oakford Conservation Area

Pere Marquette State Park (designated area only) (1)

Ray Norbut Fish and Wildlife Area (1)

Rend Lake Project Lands and Waters except Wayne Fitzgerald State Park

Saline County Fish and Wildlife Area (1)

Sanganois Conservation Area (site issued free permit required)

Sielbeck Forest State Natural Area (1)

Skinner Farm State Habitat Area (1)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County Conservation Area – Firing Line Unit and Public Hunting Area only (1)

Weinberg-King State Park (1)

Weinberg-King State Park (Cecil White Unit)

Weinberg-King State Park (Spunky Bottoms Unit)

Wildcat Hollow State Forest (1)

- d) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for

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these areas through the lottery process set forth in Section 710.20. This permit is only valid for the specific site and season indicated on the permit.

Apple River Canyon State Park – Thompson and Salem Units (1)

Beaver Dam State Park

Big Bend State Fish and Wildlife Area (1)

Big River State Forest (1)

[Burning Star 5](#)

Castle Rock State Park (1)

Clinton Lake State Recreation Area

Coffeen Lake State Fish and Wildlife Area

Crawford County Conservation Area

Dixon Springs State Park (youth ages 10-15 only) (1)

Falling Down Prairie State Natural Area (1)

Ferne Clyffe Hunting Area (1)

Fort Massac State Park (Youth Ages 10-15 only) (1)

Fox Ridge State Park (1)

[French Bluff State Natural Area \(1\)](#)

Green River State Wildlife Area (1)

Hamilton County Conservation Area

Hanover Bluff State Natural Area (1)

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Harry "Babe" Woodyard State Natural Area (1)

Hidden Springs State Forest (first 2 seasons only) (1)

Horseshoe Lake State Park (Madison County)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein,
Chouteau Island Units

Hurricane Creek Habitat Area (must have Fox Ridge State Park permit)
(1)

Iroquois County State Wildlife Area

Jim Edgar Panther Creek State Fish and Wildlife Area

Johnson-Sauk Trail State Park (1)

Kankakee River State Park (hunting hours are from one-half hour before
sunrise until 12:00 noon) (1)

Kickapoo State Park (1)

Kishwaukee River State Fish and Wildlife Area [\(1\)](#)

Lowden Miller State Forest (1)

Mackinaw River Fish and Wildlife Area (1)

Marseilles Fish and Wildlife Area (site is open to hunting Monday through
Thursday only; hunting hours are from one-half hour before sunrise until
8:30 a.m.; if space is available after site permit holders have checked in or
if there have been no site specific permits issued, La Salle County permit
holders who have an unfilled permit for the current season may be allowed
on the site to hunt; if more La Salle County permit holders want to hunt
than there are vacancies, a daily drawing at the site hunter check station
will be held to determine who may enter the site to hunt; [unauthorized
personnel may not be on the site outside of the posted check station
operating hours; hunters may only enter the site from designated parking](#)

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[lots](#)) (1)

Marshall Fish and Wildlife Area (1)

Matthiessen State Park (South of Vermilion River Area) (1)

Meeker State Habitat Area

Mermet Lake State Fish and Wildlife Area (1)

Middlefork State Fish and Wildlife Management Area (1)

Mississippi Palisades State Park (closed during the fifth season) (1)

Momence Wetlands (1)

Moraine View State Park (no hunting on weekends during 4th and 5th season) (1)

Newton Lake Fish and Wildlife Area

Pere Marquette State Park (Piasa, Quotoga, Potawatomi Camp Areas) (no hunting allowed on weekends)

Pyramid State Park (1)

Pyramid State Park – East Conant Unit

Ramsey Lake State Park (1)

Randolph County Conservation Area (a handicapped hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, wanting to hunt at one of the site's two designated handicapped hunting spots is not required to have a site-specific permit; [these](#). ~~These~~ hunting spots will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Red Hills State Park

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Red Hills State Park/Chauncey Marsh

Sahara Woods (1)

Sam Dale Lake Conservation Area (1)

Sam Parr State Park

Sand Ridge State Forest

Sandy Ford State Natural Area

Sangamon County Conservation Area

Sanganois Conservation Area (Squirrel Timber Unit) (1)

Sangchris Lake State Park

Siloam Springs State Park (1)

Siloam Springs State Park (Buckhorn Unit) (1)

Spoon River State Forest (1)

Stephen A. Forbes State Park (1)

Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area

Washington County Conservation Area (hunting hours are from ½ hour before sunrise until 12:00 noon) (1)

Weinberg-King State Park (Scripps Unit) (1)

Weldon Springs State Park – Piatt County Unit

Witkowski State Wildlife Area (1)

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Wolf Creek State Park (first 2 seasons only) (1)

(Source: Amended at 31 Ill. Reg. 1958, effective January 16, 2007)

Section 710.70 Spring Youth Turkey Hunt

- a) Hunting Dates
 - 1) Northern Zone: the Saturday and Sunday beginning 9 days prior to the opening date of the Northern Zone first spring turkey hunting season.
 - 2) Southern Zone: the Saturday and Sunday beginning 9 days prior to the opening date of the Southern Zone first spring turkey hunting season.
- b) Open Counties: All counties listed in Section 710.10 are open to Spring Youth Turkey Hunting.
- c) Eligibility: The Spring Youth Turkey Hunt is open only to Illinois residents under the age of 16 on the beginning date of the designated youth hunting days. All participating youths must have completed a Department-approved Hunter Education course.
- d) Permit Requirements – Spring Youth Turkey Hunt
 - 1) All youth hunters must have a current, valid Youth Turkey Hunt Permit (\$10). For permit application and other information write to:

Illinois Department of Natural Resources
Youth Turkey Hunt
One Natural Resources Way
P.O. Box 19227
Springfield IL 62794-9227
 - 2) Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources or the application will be returned. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.

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- 3) Each applicant must complete the official Department Youth Wild Turkey Permit application.
 - 4) Applications will be accepted through the second Monday in February.
 - 5) The applicants must not have had their hunting privileges suspended or revoked in this State or any other state.
 - 6) If more than one application for an Illinois Youth Turkey Hunt Permit is received from the same person, all applications submitted in that name will be rejected and permits revoked.
 - 7) A \$3 service fee will be charged for replacement permits issued by the Department.
 - 8) The Youth Turkey Hunt Permit shall be valid only for the dates and counties listed on the permit. Each youth must also possess a valid Illinois hunting license and Habitat Stamp prior to hunting, unless exempt. Hunting without a permit is a Class B misdemeanor [520 ILCS 5/2.9].
 - 9) A permit issued for the Youth Turkey Hunt will count toward the maximum number of permits (Section 710.20(j)) an individual can receive for the Spring Wild Turkey Season .
- e) Youth Turkey Hunting Regulations
- 1) Each Illinois Youth Turkey Hunt Permit holder is required to be accompanied afield by a parent/guardian or responsible adult who possesses a valid Firearm Owners Identification (FOID) Card. The accompanying adult must be present for the permit holder (youth) to hunt. The adult and/or adult caller is not allowed to hunt, but may accompany the youth hunter as a caller or observer. The supervising adult shall be criminally liable for the actions of the youth in the hunting party and shall be subject to the criminal penalties provided by law.
 - 2) All regulations prescribed by Section 710.30 of this Part apply during the Youth Turkey Hunt.

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- f) The following sites will be open to holders of a valid Youth Turkey Hunt Permit for the county in which the site is located. Persons wishing to hunt one of the listed sites should contact that site prior to hunting for information about site regulations and restrictions.

Anderson Lake Fish and Wildlife Area

Apple River Canyon State Park – Thompson and Salem Units (1)

Argyle Lake State Park

Big Bend Fish and Wildlife Area (Whiteside County)

Big River State Forest

Cache River State Natural Area

Castle Rock State Park

[Clinton Lake State Recreation Area](#)

Crab Orchard National Wildlife Refuge [Public Hunting Area](#) (~~Closed and Open Units~~)

Crawford County Conservation Area

Cypress Pond State Natural Area

Deer Pond State Natural Area

Falling Down Prairie State Natural Area (1)

Ferne Clyffe State Park

Ferne Clyffe State Park – Cedar Draper State Habitat Area

Giant City State Park

Green River State Wildlife Area

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Hanover Bluff State Natural Area (1)

Horseshoe Lake Conservation Area – Alexander County

Kankakee River State Park

Kaskaskia River State Fish and Wildlife Area

Kinkaid Lake State Fish and Wildlife Area

Mackinaw River State Fish and Wildlife Area (1)

Mernmet Lake State Fish and Wildlife Area

Moraine View State Park (free site permit required)

Mississippi River Area Pools 21, 22, 24, 25 and 26

Momence Wetlands

Nauvoo State Park (Max Rowe Unit Only)

Newton Lake State Fish and Wildlife Area

Pere Marquette State Park (open area south of Graham Hollow Road only)
(1)

Pyramid State Park

Pyramid State Park – East Conant Unit

Ray Norbut Fish and Wildlife Area

Rend Lake Corps of Engineers-managed land in Jefferson and
Franklin Counties

Rend Lake State Fish and Wildlife Area

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Sam Parr State Park

Sielbeck Forest State Natural Area

Siloam Springs State Park

Siloam Springs State Park (Buckhorn Unit)

Skinner Farm State Habitat Area

Spoon River State Forest

Trail of Tears State Forest

Ten Mile Creek State Fish and Wildlife Area

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area

Weinberg-King State Park

Weinberg-King State Park (Cecil White Unit)

~~Weinberg-King State Park (Markert Unit)~~

Weinberg-King State Park (Spunky Bottoms Unit)

Weldon Springs – Piatt County Unit

Witkowski State Wildlife Area (1)

- g) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.70(d). This permit is only valid for the specific site and season indicated on the permit.

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[Crab Orchard National Wildlife Refuge \(Closed Portion\)](#)

Jim Edgar Panther Creek State Fish and Wildlife Area

Sangchris Lake State Park

(Source: Amended at 31 Ill. Reg. 1958, effective January 16, 2007)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Sound Emission Standards and Limitations for Property Line-Noise-Sources
- 2) Code Citation: 35 Ill. Adm. Code 901
- 3) Section Number: 901.121 Adopted Action: Amend
- 4) Statutory Authority: Implementing Section 25 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/25 and 27]
- 5) Effective Date of Amendment: January 12, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500, and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 11, 2006; 30 Ill. Reg. 13293
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? The Board did not make any changes to the proposal it adopted for first notice.
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: For a more complete description of this proposal, see the Board's January 4, 2007, order in Proposal of Vaughan & Bushnell Manufacturing Company of Amendment to a Site-Specific Rule 35 Ill. Adm. Code 901.121 (R06-11). The Board is adopting a site-specific amendment to an existing site-specific noise rule to

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

allow the Vaughan & Bushnell Manufacturing Company (V&B) to extend the operational levels of its forging facility located at the intersection of Davis and Main Streets, Bushnell in McDonough County. The adopted amendment will allow V&B to operate 24 hours a day.

The amendments are based on a request filed by V&B on October 20, 2005. In its proposal for the rulemaking and at the hearing in this rulemaking, V&B stated that it needed an extension on its operational hours to allow it to operate a third shift at its facility. V&B stated that it produces hammers, hatchets, heavy striking tools, and pry bars and has contracts with distributors that require timely delivery of its products.

In considering the character of the surrounding areas and land uses, the Board found that the V&B facility is appropriately located in an area that is heavily industrial in nature and that the adopted amendment would not have an adverse environmental impact on the area.

16) Information and questions regarding this adopted amendment shall be directed to:

John Knittle
2125 South First Street
Champaign, Il 61820

217/278-3111
knittlej@ipcb.state.il.us

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R06-11 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us)

The full text of the Adopted Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE H: NOISE

CHAPTER I: POLLUTION CONTROL BOARD

PART 901

SOUND EMISSION STANDARDS AND LIMITATIONS
FOR PROPERTY LINE-NOISE-SOURCES

Section

901.101	Classification of Land According to Use
901.102	Sound Emitted to Class A Land
901.103	Sound Emitted to Class B Land
901.104	Highly-Impulsive Sound
901.105	Impact Forging Operations
901.106	Prominent Discrete Tones
901.107	Exceptions
901.108	Compliance Dates for Part 901
901.109	Highly-Impulsive Sound from Explosive Blasting
901.110	Amforge Operational Level
901.111	Modern Drop Forge Operational Level
901.112	Wyman-Gordon Operational Level
901.113	Wagner Casting Site-Specific Operational Level (Repealed)
901.114	Moline Forge Operational Level
901.115	Cornell Forge Hampshire Division Site-Specific Operational Level
901.116	Forgings and Stampings, Inc. Operational Level
901.117	Rockford Drop Forge Company Operational Level
901.118	Scot Forge Company - Franklin Park Division Operational Level
901.119	Clifford-Jacobs Operational Level
901.120	C.S. Norcross Operational Level
901.121	Vaughan & Bushnell Operational Level
<u>901.122</u>	<u>Ameren Elgin Facility Site-Specific Noise Emission Limitations</u>
901.APPENDIX A	Old Rule Numbers Referenced
901.APPENDIX B	Land-Based Classification Standards and Corresponding 35 Ill. Adm. Code 901 Land Classes

AUTHORITY: Implementing Section 25 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/25 and 27].

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

SOURCE: Originally filed as Part 2 of Chapter 8: Noise Pollution, effective August 10, 1973; amended at 2 Ill. Reg. 27, p. 223, effective June 26, 1978; amended at 5 Ill. Reg. 6371, effective June 1, 1981; amended at 5 Ill. Reg. 8533, effective August 10, 1981; amended at 6 Ill. Reg. 10960, effective September 1, 1982; codified at 7 Ill. Reg. 13646; amended at 7 Ill. Reg. 14519, effective October 17, 1983; amended in R83-35 at 8 Ill. Reg. 18893, effective September 25, 1984; amended in R83-33, 26, 29, 30 and R83-34 at 9 Ill. Reg. 1405, effective January 17, 1985; Section 901.105(f)(1), (2) and (3) recodified to Sections 901.110, 901.111 and 901.112 at 9 Ill. Reg. 7147; amended in R83-25, 31 and 32 at 9 Ill. Reg. 7149, effective May 7, 1985; amended in R83-7 at 11 Ill. Reg. 3136, effective January 28, 1987; amended in R04-11 at 28 Ill. Reg. 11910, effective July 30, 2004; amended in R03-9 at 30 Ill. Reg. 5533, effective March 10, 2006; amended in R06-11 at 31 Ill. Reg. 1982, effective January 12, 2007.

Section 901.121 Vaughan & Bushnell Operational Level

Vaughan & Bushnell Manufacturing Company and the future owners of the forging facility located at the intersection of Davis and Main Streets, Bushnell, Illinois, must comply with the following site-specific operational level:

- a) Operate no more than ten hammers at any one time; and
- b) Vaughan & Bushnell may operate 24 hours per day, Monday through Sunday~~Operate its forging hammers only between the hours of 6:00 a.m. and 1:30 a.m. Monday through Saturday.~~

(Source: Amended at 31 Ill. Reg. 1982, effective January 12, 2007)

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Rules and Regulations of the Board
- 2) Code Citation: 74 Ill. Adm. Code 800
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
800.130	Amendment
800.140	Amendment
800.240	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 22A-110 of the Illinois Pension Code [40 ILCS 5/22A-110]
- 5) Effective Date of Amendments: January 9, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 30 Ill. Reg. 8050; May 5, 2006
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: The final version of "Section 800.140 Committees" adds language defining "emerging manager", describing Emerging Manager Committee policy and identifying Emerging Manager Committee responsibilities. Additionally, the final version of "Section 800.140 Committees" includes different language authorizing the Board to determine the delegation of Committee responsibilities and authorizing the Board or the Chair of the Committee to determine the appropriate timing of Committee meetings.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

ILLINOIS STATE BOARD OF INVESTMENT

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- 15) Summary and Purpose of Amendments: These amendments are the result of a comprehensive review of the Board's rules. The amendments: remove obsolete language and provide technical changes as needed; reflect Board policy that the Executive Committee assumes authority to conduct Board business between Board meetings and report such business at the next Board meeting for ratification; rename the Accounting and Audit Committee as the "Audit and Compliance Committee" to reflect Board policy that the Audit and Compliance Committee assumes responsibility as to the Board's compliance with ethics laws; and reflect the Board's policy to increase access to, and business with, emerging managers by codifying the Board's Emerging Manager Committee, which has responsibility for interviewing "emerging managers" (minority and female investment managers), providing ongoing liaison with emerging managers and recommending emerging manager policies pertaining to the Board's investments.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Emily A. Reid
Investment Compliance Officer
Illinois State Board of Investment
180 N. LaSalle Street, Suite 2015
Chicago, IL 60601

312/793/5712
ereid@mail.state.il.us

The full text of the Adopted Amendments begins on the next page:

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENTS

TITLE 74: PUBLIC FINANCE

CHAPTER VII: STATE BOARD OF INVESTMENT~~INVESTMENTS~~

PART 800

RULES AND REGULATIONS OF THE BOARD

SUBPART A: AUTHORITY

Section
800.5 Authority

SUBPART B: BY-LAWS

Section
800.110 Offices of the Board
800.120 Meetings
800.130 Officers and Their Duties
800.140 Committees

SUBPART C: GENERAL POLICIES

Section
800.210 Functions
800.220 Fiduciary Aspects
800.230 Delegation of Authority
800.240 Budget

SUBPART D: ACCOUNTING

Section
800.310 Investment Account
800.320 Pension Fund Credits
800.330 Pension Fund Charges
800.340 Reserve Balances

SUBPART E: REPORTS

Section
800.410 Fiscal Reporting

ILLINOIS STATE BOARD OF INVESTMENT

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800.420 Audits

SUBPART F: AMENDMENTS

Section

800.510 Changes or Amendments

AUTHORITY: Implementing and authorized by Section 22A-110 of the Illinois Pension Code [40 ILCS 5/22A-110].

SOURCE: Rules and Regulations of the Board, effective March 25, 1971; January 8, 1972; October 6, 1972; February 14, 1975; February 9, 1976; February 9, 1977; codified at 5 Ill. Reg. 10701; amended at 31 Ill. Reg. 1986, effective January 9, 2007.

SUBPART B: BY-LAWS

Section 800.130 Officers and Their Duties

- a) Elective officers. The following named officers shall be elected by the ~~Board~~board biennially at the annual meeting in each odd-numbered year from among the members of the ~~Board~~board: ~~Chair~~Chairman, Vice ~~Chair~~Chairman, and Recording Secretary. Any vacancy occurring during a biennial period shall be filled in like manner for the unexpired term of office.
- b) Appointive officers. The following named officers shall be appointed by the ~~Board~~board: the Director and such other officers as the ~~Board~~board may from time to time determine.
- c) Officers ex officio. The State Treasurer shall be ex officio Custodian and Treasurer of the Board.
- d) ~~Chair~~Chairman. The ~~Chair~~Chairman shall be the chief executive officer of the ~~Board~~board; shall preside at all meetings; announce the business before the ~~Board~~board; announce the question under consideration and the result of the vote taken; request a roll call upon any action or resolution as herein provided. He or she shall appoint all necessary committees and see that they perform their assigned duties. ~~The Chair~~He and the Director shall sign all written contracts and agreements upon authorization of the ~~Board~~board. ~~The Chair~~He shall exercise a general supervision over the operations of the agency.

ILLINOIS STATE BOARD OF INVESTMENT

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- e) Vice Chair~~Vice-Chairman~~
- 1) In the absence of the Chair~~Chairman~~, the Vice Chair~~Vice-Chairman~~ shall act as Chair~~Chairman~~ at any regular or special meeting and shall serve in the Chair's~~Chairman's~~ stead if the Chair~~Chairman~~ is temporarily unable or unwilling to act.
 - 2) If the Chair~~Chairman~~ or Vice Chair~~Vice-Chairman~~ is not available to preside at a meeting, any member selected by a majority vote of those present may act as presiding officer, pro tempore.
- f) Recording secretary. The Recording Secretary shall record the proceedings of each meeting of the Board and make copies available to each member ~~as herein provided~~. In accordance with law, he or she shall give proper and timely notice of all meetings to members of the Board~~board~~ and others concerned with the business of the Board~~board~~; shall prepare for each meeting of the Board~~board~~ an Order of Business showing the business to be transacted by the Board~~board~~; he shall authenticate with his or her signature any resolutions of the Board~~board~~; and shall perform such other duties as may be prescribed by the rules, orders or resolutions of the Board~~board~~.
- g) ~~Custodian~~
- 1) The State Treasurer, as official Custodian of the Board~~board~~ shall provide adequate safe deposit facilities for securities, funds and other assets received by the Board~~board~~ and hold ~~those~~such securities, funds and other assets subject to the order of the Board~~board~~. He or she shall arrange to receive from the several pension funds subject to the jurisdiction of the Board~~board~~ all securities in their possession or for which commitments had been made, and all funds, assets or moneys representing permanent or temporary investments or cash reserves maintained for the purpose of obtaining income. All transfers therefrom which transfer shall be receipted for, in detail, by the Chair~~Chairman~~ and Director of the Board~~board~~.
 - 2) The Board~~board~~ may also contract, for a predetermined fee, with any national or state bank or trust company authorized to do a trust business ~~and domiciled~~ in the State of Illinois for custodial and trust accounting

ILLINOIS STATE BOARD OF INVESTMENT

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facilities for the investments under its control, which may include the collection of interest, dividends and principal payments.

- 3) From the reports compiled by the State Treasurer relative to the cash balances applicable to each pension fund for a determination of investable funds, each retirement system shall report to the ~~Board~~ periodically, but at least once each month, the amounts available for investment after provision for the current requirements of the fund for benefits and expense payments.
- 4) The Custodian shall submit periodic reports to the ~~Board~~ on the investments held ~~by him~~ for the account of the pension funds under the jurisdiction of the ~~Board~~.

h) ~~Director~~:

- 1) The Director shall administer the affairs of the Board pursuant to the provisions of the statute governing the Board, subject to and under supervision of the Board. With the approval of the Board, ~~the Director~~ may employ such personnel, professional or clerical, as may be desirable and necessary, and fix their compensation. ~~The Director~~ shall be in complete charge of all records, books, files, papers and documents belonging to the Board, other than those in the possession and under control of the statutory Custodian.
- 2) The Director or ~~Chair~~ shall answer all correspondence bearing upon the business of the Board; shall present to the Board bills for expenses; shall request any information and reports that may be required during the course of operations to effectuate the objectives of the Board; and ~~shall~~ prepare ~~such~~ periodic statements and reports to fully carry out the expressed and implied requirements of the applicable law. He ~~or she~~ shall perform such other duties that are called for by the rules, orders, directives and resolutions of the Board.

(Source: Amended at 31 Ill. Reg. 1986, effective January 9, 2007)

Section 800.140 Committees

- a) Executive Committee

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- 1) There shall be an Executive Committee of the Board consisting of the Chair, Vice Chair~~Chairman, Vice Chairman~~, and Recording Secretary and one other member of the Board, who shall serve for a two-year term and who shall be elected at an annual meeting following the election of officers. The Recording Secretary shall serve as Secretary of the Committee.
 - 2) The ~~function of the~~ Executive Committee has the authority to conduct all business of the Board during the interim between Board meetings and report such business at the next Board meeting for ratification by the Board. The Executive Committee shall ~~be to~~ resolve any questions of procedure in the interim between meetings of the Board, propose to the Board changes in policy, and recommend to the Board changes in the statute governing the Board with the view of bringing about improved total return on investments consistent with the high standards of safety required in the investment of public funds. Recommendations may also be made by ~~the Committee~~this committee for possible extension of the scope of authority of the Board to include other pension or trust funds.
- b) ~~Accounting and~~ Audit and Compliance Committee
- 1) There shall be an ~~Accounting and~~ and Compliance Committee of the Board, consisting of such members of the Board as the Chair~~Chairman~~ of the Board shall appoint, and who shall serve a term to end at the time of the next annual meeting of the Board following the election of officers. The Board shall determine delegation of Committee responsibilities. (Examples of such delegation include formally communicating with the Illinois Auditor General, creating the Board's internal ethics code, and ensuring compliance with Illinois ethics laws.)
 - 2) The Committee will elect a Committee Chair to whom the Committee may delegate only those responsibilities as have been approved in advance by the Board.
 - 3) Additional responsibilities~~The function of the~~ ~~Accounting and~~ and Compliance Committee shall be to maintain supervision over all accounting related activities of the Board, including but not limited to regular liaison with the Office of the Auditor General, independent

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auditors and accounting consultants to the Board. In addition, the Committee will participate in the review of the Board's activities by the Legislative Audit Commission and the Auditor General.

- 4) The Audit and Compliance Committee shall have oversight responsibility for all matters relating to the Illinois Ethics Act. The Chair of the Committee shall be the designated Ethics Officer for Board members and staff. The Committee shall develop and make recommendations to the Board regarding policies and procedures for internal Codes of Ethics for both the Board and Staff members, consistent with the State Officials and Employees Ethics Act [5 ILCS 430].
- 5)3) The~~Finally, the~~ Committee will recommend changes in accounting policy ~~for to the~~ Board ~~for~~ consideration.
- 6) The Committee shall meet as often as necessary in the discretion of the Board or the Chair of the Committee, so long as the meeting is in compliance with the Open Meetings Act [5 ILCS 120]. All Board members shall be encouraged to attend and participate.

c) Investment Policy Committee

- 1) There shall be an Investment Policy Committee of the Board consisting of such members of the Board as the ~~Chairman~~Chair of the Board shall ~~from time to time~~ appoint, and who shall serve a term to end at the time of the next annual meeting of the Board following the election of officers~~and where terms will expire at the next annual meeting of the Board. The Board shall determine delegation of Committee responsibilities. (Examples of such delegation include interviewing investment management firms that are finalists in the Board's competitive bidding process and recommending policies pertaining to the Board's investments, such as the Board's asset allocation study.)~~
- 2) It shall be the responsibility of the Committee:
 - A) to recommend investment policy to the Board, both at its regularly scheduled meetings and whenever ~~else~~ such recommendations appear, in the judgment of the Committee, to be necessary or desirable;

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- B) for the ongoing and specific supervision of the internal investment process, including but not limited to advance approval of all long-term investment transactions not falling within certain delegatory guidelines established ~~earlier~~ by Board action~~;~~ and
- C) for ongoing liaison with external investment advisors, together with recommendations concerning the tenure, compensation, fund direction, and retention of the advisors~~thereof~~.
- 3) The Investment Policy Committee shall elect a ~~Chair~~Chairman and a Vice ~~Chair~~Chairman, to ~~whom~~which the Committee may delegate only ~~those~~such of its responsibilities as have been approved in advance by the ~~Illinois State Board of Investment~~.
- 4) The Committee shall meet as often as necessary in the discretion of the Board or the Chair of the Committee, so long as the meeting is in compliance with the Open Meetings Act.~~should establish a schedule of regular meetings at which All~~ Board members shall be encouraged to attend and participate.
- 5) The Committee shall advise~~should consider and may, but need not, recommend to the Board a proposal concerning regular~~ when the Committee believes it is appropriate that~~participation by non-Board members with~~who have recognized expertise in various investment and economic expertise should participate in Committee affairs~~disciplines~~.
- 6) The ~~Chairman of the Illinois State Board~~ Chair of Investment will be an ex-officio, voting member of the Committee.
- d) Emerging Manager Committee
- 1) There shall be an Emerging Manager Committee of the Board consisting of such members of the Board as the Chair of the Board shall appoint and who shall serve a term to end at the next annual meeting of the Board following the election of officers. The Board shall determine the Committee's responsibilities. (Examples of such delegation include interviewing emerging managers; and recommending policies pertaining

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to the Board's investments, such as the Board's Minority Brokerage Policy or Targeted Investment Policy.)

- 2) An "emerging manager" is a qualified investment advisor who manages an investment portfolio of at least \$10,000,000, but less than \$2,000,000,000, and is a "minority-owned business" or "female-owned business" as those terms are defined in the Business Enterprise for Minorities, Females and Persons with Disabilities Act [40 ILCS 5/1-109(4)].
- 3) It shall be the policy of the Committee:

 - A) to increase access to and business with emerging managers;
 - B) to allocate at least 5% of fund assets to emerging managers, consistent with statutes;
 - C) to encourage emerging managers to grow assets under their management, outperform the applicable benchmark index, and eventually move into the core portfolio.
- 4) It shall be the responsibility of the Committee:

 - A) to interview emerging manager applicants for specific asset classes;
 - B) to function as ongoing liaison with emerging managers, together with recommendations concerning the tenure, compensation, fund direction, and retention of emerging managers;
 - C) to recommend emerging manager policy to the Board, both at its regularly scheduled meetings and whenever such recommendations appear, in the judgment of the Committee, to be necessary or desirable;
 - D) to conduct other duties as assigned by the Board.
- 5) The Committee will elect a Chair to whom the Committee may delegate only those responsibilities as have been approved in advance by the Board.

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- 6) The Committee shall meet as often as necessary in the discretion of the Board or the Chair of the Committee, so long as the meetings are in compliance with the Open Meeting Act. All Board members shall be encouraged to attend and participate.

(Source: Amended at 31 Ill. Reg. 1986, effective January 9, 2007)

SUBPART C: GENERAL POLICIES

Section 800.240 Budget

Not later than September 30th of each fiscal year, the Board shall adopt a budget for the period commencing July 1st and ending the following June 30th. The ~~said~~ budget shall set forth by appropriate designations the amount of money authorized to be expended by the Board for that designated category. The affirmative vote of ~~five (5)~~ Board members shall be necessary for ~~adoption~~the adopting of the budget. On and after April 1st of each fiscal year, the approved amount of any designated category may be amended by the affirmative vote of ~~six (6)~~ Board members. Notwithstanding the ~~adoption~~adopting of a budget, the employment of additional personnel and approval of all vouchers must be by Board action. The Financial Officer of the Board shall ~~at the end of each month~~ submit a quarterly report to the Board members setting forth by designated categories the cumulative amount of expenditure for the fiscal year to date and the total amount budgeted for each category.

(Source: Amended at 31 Ill. Reg. 1986, effective January 9, 2007)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
148.126	Amendment
148.295	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date: January 15, 2007
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed with the Index Department: January 11, 2007
- 8) A copy of the emergency amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: These emergency amendments concerning hospital services are being filed pursuant to the enactment of the State's budget implementation plan for fiscal year 2007. These changes will provide funding under Safety Net Adjustment Payments (SNAP) and Critical Hospital Adjustment Payments (CHAP) to ensure access to quality health care for medical assistance clients. Section 5-45 of Public Act 94-838 specifically authorizes emergency rulemaking for the implementation of these changes for fiscal year 2007.
- 10) Complete Description of the Subjects and Issues Involved: These emergency amendments concerning hospital services provide additional funding under SNAP and CHAP to ensure access to quality health care for medical assistance criteria. Increase spending is anticipated by approximately \$26.3 million for SNAP and \$0.9 million for CHAP.
- 11) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
148.140	Amendment	30 Ill. Reg. 13268; August 11, 2006
148.210	Amendment	30 Ill. Reg. 13636; August 18, 2006

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any State mandate affecting units of local government.
- 13) Information and questions regarding these emergency amendments shall be directed to:

Tamara Tanzillo Hoffman
Chief of Administration and Rules
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/557-7157

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 148

HOSPITAL SERVICES

SUBPART A: GENERAL PROVISIONS

Section

148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section

148.80	Organ Transplants Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.85	Supplemental Tertiary Care Adjustment Payments
148.90	Medicaid Inpatient Utilization Rate (MIUR) Adjustment Payments
148.95	Medicaid Outpatient Utilization Rate (MOUR) Adjustment Payments
148.100	Outpatient Rural Hospital Adjustment Payments
148.103	Outpatient Service Adjustment Payments
148.105	Psychiatric Adjustment Payments
148.110	Psychiatric Base Rate Adjustment Payments
148.112	High Volume Adjustment Payments
148.115	Rural Adjustment Payments
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.122	Medicaid Percentage Adjustments
148.126	Safety Net Adjustment Payments

EMERGENCY

148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 148.150 Public Law 103-66 Requirements
- 148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
- 148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
- 148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
- 148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
- 148.190 Copayments
- 148.200 Alternate Reimbursement Systems
- 148.210 Filing Cost Reports
- 148.220 Pre September 1, 1991, Admissions
- 148.230 Admissions Occurring on or after September 1, 1991
- 148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
- 148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
- 148.260 Calculation and Definitions of Inpatient Per Diem Rates
- 148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
- 148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
- 148.285 Excellence in Academic Medicine Payments
- 148.290 Adjustments and Reductions to Total Payments
- 148.295 Critical Hospital Adjustment Payments (CHAP)
- EMERGENCY
- 148.296 Tertiary Care Adjustment Payments
- 148.297 Pediatric Outpatient Adjustment Payments
- 148.298 Pediatric Inpatient Adjustment Payments
- 148.300 Payment
- 148.310 Review Procedure
- 148.320 Alternatives
- 148.330 Exemptions
- 148.340 Subacute Alcoholism and Substance Abuse Treatment Services
- 148.350 Definitions (Repealed)
- 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.368 Volume Adjustment (Repealed)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

148.370	Payment for Subacute Alcoholism and Substance Abuse Treatment Services
148.380	Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
148.390	Hearings
148.400	Special Hospital Reporting Requirements
148.402	Medicaid Eligibility Payments
148.404	Medicaid High Volume Adjustment Payments
148.406	Intensive Care Adjustment Payments
148.408	Trauma Center Adjustment Payments
148.410	Psychiatric Rate Adjustment Payments
148.412	Rehabilitation Adjustment Payments
148.414	Supplemental Tertiary Care Adjustment Payments
148.416	Crossover Percentage Adjustment Payments
148.418	Long Term Acute Care Hospital Adjustment Payments
148.420	Obstetrical Care Adjustment Payments
148.422	Outpatient Access Payments
148.424	Outpatient Utilization Payments
148.426	Outpatient Complexity of Care Adjustment Payments
148.428	Rehabilitation Hospital Adjustment Payments
148.430	Perinatal Outpatient Adjustment Payments
148.432	Supplemental Psychiatric Adjustment Payments
148.434	Outpatient Community Access Adjustment Payments

SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

Section	
148.500	Definitions
148.510	Reimbursement

SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

Section	
148.600	Definitions
148.610	Scope of the Program
148.620	Assistance Level and Reimbursement
148.630	Criteria and Information Required to Establish Eligibility
148.640	Covered Services

148.TABLE A	Renal Participation Fee Worksheet
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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

148.TABLE B	Bureau of Labor Statistics Equivalence
148.TABLE C	List of Metropolitan Counties by SMSA Definition

AUTHORITY: Implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended

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at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective

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January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency expired December 30, 2004; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; emergency expired January 2, 2005; amended at 28 Ill. Reg. 14557, effective October 27, 2004; amended at 28 Ill. Reg. 15536, effective November 24, 2004; amended at 29 Ill. Reg. 861, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2026, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5514, effective April 1, 2005; emergency amendment at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 11622, effective July 5, 2005, for the remainder of the 150 days; amended at 29 Ill. Reg. 8363, effective June 1, 2005; emergency amendment at 29 Ill. Reg. 10275, effective July 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12568, effective August 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 15629, effective October 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 19973, effective November 23, 2005; amended at 30 Ill. Reg. 383, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 596, effective January 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 955, effective January 9, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 2827, effective February 24, 2006; emergency amendment at 30 Ill. Reg. 7786, effective April 10, 2006, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 30 Ill. Reg. 12400, effective July 1, 2006, for the remainder of the 150 days; emergency expired September 6, 2006; amended at 30 Ill. Reg. 8877, effective May 1, 2006; amended at 30 Ill. Reg. 10393, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 11815, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18672, effective November 27, 2006; emergency

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amendment at 31 Ill. Reg. 1602, effective January 1, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 1997, effective January 15, 2007, for a maximum of 150 days.

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.126 Safety Net Adjustment Payments**EMERGENCY**

- a) Qualifying criteria: Safety net adjustment payments shall be made to a qualifying hospital, as defined in this subsection (a) unless the hospital does not provide comprehensive emergency treatment services as defined in 77 Ill. Adm. Code 250.710(a) on or after July 1, 2006, but did provide comprehensive emergency treatment services as defined in 77 Ill. Adm. Code 250.710(a) on January 1, 2006. A hospital not otherwise excluded under subsection (b) of this Section shall qualify for payment if it meets one of the following criteria:
- 1) The hospital has, as provided in subsection (e)(6) of this Section, an MIUR equal to or greater than 40 percent.
 - 2) The hospital has the highest number of obstetrical care days in the safety net hospital base year.
 - 3) The hospital is, as of October 1, 2001, a sole community hospital, as defined by the United States Department of Health and Human Services (42 CFR 412.92).
 - 4) The hospital is, as of October 1, 2001, a rural hospital, as described in Section 148.25(g)(3), that meets all of the following criteria:
 - A) Has an MIUR greater than 33 percent.
 - B) Is designated a perinatal level two center by the Illinois Department of Public Health.
 - C) Has fewer than 125 licensed beds.
 - 5) The hospital is a rural hospital, as described in Section 148.25(g)(3).

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- 6) The hospital meets all of the following criteria:
 - A) Has an MIUR greater than 30 percent.
 - B) Had an occupancy rate greater than 80 percent in the safety net hospital base year.
 - C) Provided greater than 15,000 total days in the safety net hospital base year.
- 7) The hospital meets all of the following criteria:
 - A) Does not already qualify under subsections (a)(1) through (a)(6) of this Section.
 - B) Has an MIUR greater than 25 percent.
 - C) Had an occupancy rate greater than 68 percent in the safety net hospital base year.
 - D) Provided greater than 12,000 total days in the safety net hospital base year.
- 8) The hospital meets all of the following criteria in the safety net base year:
 - A) Is a rural hospital, as described in Section 148.25(g)(3).
 - B) Has an MIUR greater than 18 percent.
 - C) Has a combined MIUR greater than 45 percent.
 - D) Has licensed beds less than or equal to 60.
 - E) Provided greater than 400 total days.
 - F) Provided fewer than 125 obstetrical care days.
- 9) The hospital meets all of the following criteria in the safety net base year:

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- A) Is a psychiatric hospital, as described in 89 Ill. Adm. Code 149.50(c)(1).
 - B) Has licensed beds greater than 120.
 - C) Has an average length of stay less than ten days.
- 10) The hospital meets all of the following criteria in the safety net base year:
- A) Does not already qualify under subsections (a)(1) through (a)(9) of this Section.
 - B) Has an MIUR greater than 17 percent.
 - C) Has licensed beds greater than 450.
 - D) Has an average length of stay less than four days.
- 11) The hospital meets all of the following criteria in the safety net base year:
- A) Does not already qualify under subsections (a)(1) through (a)(10) of this Section.
 - B) Has an MIUR greater than 21 percent.
 - C) Has licensed beds greater than 350.
 - D) Has an average length of stay less than 3.15 days.
- 12) The hospital meets all of the following criteria in the safety net base year:
- A) Does not already qualify under subsections (a)(1) through (a)(11) of this Section.
 - B) Has an MIUR greater than 34 percent.
 - C) Has licensed beds greater than 350.

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- D) Is designated a perinatal Level II center by the Illinois Department of Public Health.
- 13) The hospital meets all of the following criteria in the safety net base year:
- A) Does not already qualify under subsections (a)(1) through (a)(12) of this Section.
 - B) Has an MIUR greater than 35 percent.
 - C) Has an average length of stay less than four days.
- 14) The hospital meets all of the following criteria in the safety net base year:
- A) Does not already qualify under subsections (a)(1) through (a)(13) of this Section.
 - B) Has a CMIUR greater than 25 percent.
 - C) Has an MIUR greater than 12 percent.
 - D) Is designated a perinatal Level II center by the Illinois Department of Public Health.
 - E) Has licensed beds greater than 400.
 - F) Has an average length of stay less than 3.5 days.
- 15) The hospital meets all of the following criteria in the safety net base year:
- A) Does not already qualify under subsections (a)(1) through (a)(14) of this Section.
 - B) Has a CMIUR greater than 28 percent.
 - C) Is designated a perinatal Level II center by the Illinois Department of Public Health.
 - D) Has licensed beds greater than 320.

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E) Had an occupancy rate greater than 37 percent in the safety net hospital base year.

F) Has an average length of stay less than 3.1 days.

- b) The following five classes of hospitals are ineligible for safety net adjustment payments associated with the qualifying criteria listed in subsections (a)(1) through (a)(4), subsections (a)(6) through (a)(8) and subsections (a)(10) through (a)(~~15~~14) of this Section:

- 1) Hospitals located outside of Illinois.
- 2) County-owned hospitals, as described in Section 148.25(b)(1)(A).
- 3) Hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B).
- 4) Psychiatric hospitals, as described in 89 Ill. Adm. Code 149.50(c)(1).
- 5) Long term stay hospitals, as described in 89 Ill. Adm. Code 149.50(c)(4).

- c) Safety Net Adjustment Rates

- 1) For a hospital qualifying under subsection (a)(1) of this Section, the rate is the sum of the amounts for each of the following criteria for which it qualifies:
 - A) A qualifying hospital – \$15.00.
 - B) A rehabilitation hospital, as described in 89 Ill. Adm. Code 149.50(c)(2) – \$20.00.
 - C) A children's hospital, as described in 89 Ill. Adm. Code 149.50(c)(3) – \$20.00.
 - D) A children's hospital that has an MIUR greater than or equal to 80 per centum that is:

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- i) Located within HSA 6 or HSA 7 – \$296.00.
 - ii) Located outside HSA 6 or HSA 7 – \$35.00.
- E) A children's hospital that has an MIUR less than 80 per centum, but greater than or equal to 60 per centum, that is:
- i) Located within HSA 6 or HSA 7 – \$35.00.
 - ii) Located outside HSA 6 or HSA 7 – \$15.00.
- F) A children's hospital that has an MIUR less than 60 per centum, but greater than or equal to 45 per centum, that is:
- i) Located within HSA 6 or HSA 7 – \$12.00.
 - ii) Located outside HSA 6 or HSA 7 – \$5.00.
- G) A children's hospital with more than 25 graduate medical education programs, as listed in the "2000-2001 Graduate Medical Education Directory" – ~~\$255.50~~\$25.00.
- H) A children's hospital that is a rural hospital – \$145.00.
- I) A qualifying hospital that is neither a rehabilitation hospital nor a children's hospital that is located in HSA 6 and that:
- i) Provides obstetrical care – \$10.00.
 - ii) Has at least one graduate medical education program, as listed in the "2000-2001 Graduate Medical Education Directory" – \$5.00.
 - iii) Has at least one obstetrical graduate medical education program, as listed in the "2000-2001 Graduate Medical Education Directory" – \$5.00.
 - iv) Provided more than 5,000 obstetrical days during the safety net hospital base year – \$35.00.

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- v) Provided fewer than 4,000 obstetrical days during the safety net hospital base year and its average length of stay is: less than or equal to 4.50 days – \$5.00; less than 4.00 days – \$5.00; less than 3.75 days – \$5.00.
 - vi) Provides obstetrical care and has an MIUR greater than 65 percent – \$11.00.
 - vii) Has greater than 700 licensed beds – ~~\$57.25~~\$37.75.
- J) A qualifying hospital that is neither a rehabilitation hospital nor a children's hospital, that is located outside HSA 6, that has an MIUR greater than 50 per centum, and that:
- i) Provides obstetrical care – \$70.00.
 - ii) Does not provide obstetrical care – \$30.00.
 - iii) Is a trauma center, recognized by the Illinois Department of Public Health (IDPH), as of July 1, 2005 – \$173.50.
- K) A qualifying hospital that provided greater than 35,000 total days in the safety net hospital base year – \$6.00.
- L) A qualifying hospital with two or more graduate medical education programs, as listed in the "2000-2001 Graduate Medical Education Directory", with an average length of stay fewer than 4.00 days – \$48.00.
- 2) For a hospital qualifying under subsection (a)(2) of this Section, the rate shall be ~~\$154.50~~\$123.00.
- 3) For a hospital qualifying under subsection (a)(3) of this Section, the rate is the sum of the amounts for each of the following criteria for which it qualifies:
- A) A qualifying hospital – \$40.00.

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- B) A hospital that has an average length of stay of fewer than 4.00 days, and:
 - i) More than 150 licensed beds – \$20.00.
 - ii) Fewer than 150 licensed beds – \$40.00.
 - C) A qualifying hospital with the lowest average length of stay – \$15.00.
 - D) A hospital that has a CMIUR greater than 65 per centum – \$35.00.
 - E) A hospital that has fewer than 25 total admissions in the safety net hospital base year – \$160.00.
- 4) For a hospital qualifying under subsection (a)(4) of this Section, the rate shall be \$55.00.
- 5) For a hospital qualifying under subsection (a)(5) of this Section, the rate is the sum of the amounts for each of the following for which it qualifies, divided by the hospital's total days:
- A) The hospital that has the highest number of obstetrical care admissions – \$30,840.00.
 - B) The greater of:
 - i) The product of \$115.00 multiplied by the number of obstetrical care admissions.
 - ii) The product of \$11.50 multiplied by the number of general care admissions.
- 6) For a hospital qualifying under subsection (a)(6) of this Section, the rate is ~~\$149.00~~\$53.00.
- 7) For a hospital qualifying under subsection (a)(7) of this Section, the rate is ~~\$322.50~~\$75.50.

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- 8) For a hospital qualifying under subsection (a)(8) of this Section, the rate is \$124.50.
 - 9) For a hospital qualifying under subsection (a)(9) of this Section, the rate is \$85.50.
 - 10) For a hospital qualifying under subsection (a)(10) of this Section, the rate is ~~\$96.25~~\$13.75.
 - 11) For a hospital qualifying under subsection (a)(11) of this Section, the rate is \$39.50.
 - 12) For a hospital qualifying under subsection (a)(12) of this Section, the rate is \$120.25.
 - 13) For a hospital qualifying under subsection (a)(13) of this Section, the rate is ~~\$365.00~~\$231.50.
 - 14) For a hospital qualifying under subsection (a)(14) of this Section, the rate is ~~\$430.00~~\$72.00.
 - 15) For a hospital qualifying under subsection (a)(15) of this Section, the rate is \$540.00.
- d) Payment to a Qualifying Hospital
- 1) The total annual payments to a qualifying hospital shall be the product of the hospital's rate multiplied by two multiplied by total days.
 - 2) For the safety net adjustment period occurring in State fiscal year ~~2007~~2006, total payments will equal the methodologies described in subsection (c) of this Section. For the period January 1, 2007~~October 1, 2005~~ through June 30, ~~2007~~2006, payment will equal the State fiscal year 2006 amount less the amount the hospital received under the safety net adjustment period for the ~~quarters~~quarter ending September 30, ~~2006~~2005 and December 31, 2006.
 - 3) For safety net adjustment periods occurring after State fiscal year ~~2007~~2006, total payments will equal the methodologies described in

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subsection (c) of this Section and shall be paid to the hospital during the safety net adjustment period in installments on, at least, a quarterly basis.

e) Definitions

- 1) "Average length of stay" means, for a given hospital, a fraction in which the numerator is the number of total days and the denominator is the number of total admissions.
- 2) "CMIUR" means, for a given hospital, the sum of the MIUR plus the Medicaid obstetrical inpatient utilization rate, determined as of October 1, 2001, as defined in Section 148.120(k)(6).
- 3) "General care admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department by June 30, 2001, excluding admissions for: obstetrical care, as defined in subsection (e)(7) of this Section; normal newborns; psychiatric care; physical rehabilitation; and those covered in whole or in part by Medicare (Medicaid/Medicare crossover admissions).
- 4) "HSA" means Health Service Area, as defined by the Illinois Department of Public Health.
- 5) "Licensed beds" means, for a given hospital, the number of licensed beds, excluding long term care and substance abuse beds, as listed in the July 25, 2001, Illinois Department of Public Health report entitled "Percent Occupancy by Service in Year 2000 for Short Stay, Non-Federal Hospitals in Illinois."
- 6) "MIUR", for a given hospital, has the meaning as defined in Section 148.120(k)(5) and shall be determined in accordance with Section 148.120(c) and (f). For purposes of this Section, the MIUR determination that was used to determine a hospital's eligibility for Disproportionate Share Hospital Adjustment payments in rate year 2002 shall be the same determination used to determine a hospital's eligibility for safety net adjustment payments in the Safety Net Adjustment Period.

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- 7) "Obstetrical care admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, as tabulated from the Department's claims data, for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001, and were assigned by the Department a diagnosis related grouping (DRG) code of 370 through 375.
- 8) "Obstetrical care days" means, for a given hospital, days of hospital inpatient service associated with the obstetrical care admissions described in subsection (e)(7) of this Section.
- 9) "Occupancy rate" means a fraction, the numerator of which is the hospital's total days, excluding long term care and substance abuse days, and the denominator of which is the hospital's total beds, excluding long term care and substance abuse beds, multiplied by 365 days. The data used for calculation of the hospital occupancy rate is as listed in the July 25, 2001, Illinois Department of Public Health report entitled "Percent Occupancy by Service in Year 2000 for Short Stay, Non-Federal Hospitals in Illinois".
- 10) "Safety net hospital base year" means the 12-month period beginning on July 1, 1999, and ending on June 30, 2000.
- 11) "Safety net adjustment period" means, beginning July 1, 2002, the 12 month period beginning on July 1 of a year and ending on June 30 of the following year.
- 12) "Total admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover admissions), as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001.
- 13) "Total days" means, for a given hospital, the sum of days of inpatient hospital service provided to recipients of medical assistance under Title

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XIX of the federal Social Security Act, excluding days for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover days), as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001.

(Source: Amended by emergency rulemaking at 31 Ill. Reg. 1997, effective January 15, 2007, for a maximum of 150 days)

Section 148.295 Critical Hospital Adjustment Payments (CHAP)**EMERGENCY**

Critical Hospital Adjustment Payments (CHAP) shall be made to all eligible hospitals excluding county-owned hospitals, as described in Section 148.25(b)(1)(A), unless otherwise noted in this Section, and hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), for inpatient admissions occurring on or after July 1, 1998, in accordance with this Section.

- a) Trauma Center Adjustments (TCA)
The Department shall make a TCA to Illinois hospitals recognized, as of the first day of July in the CHAP rate period, as a Level I or Level II trauma center by the Illinois Department of Public Health (IDPH) in accordance with the provisions of subsections (a)(1) through (a)(3) of this Section.
 - 1) Level I Trauma Center Adjustment.
 - A) Criteria. Illinois hospitals that, on the first day of July in the CHAP rate period, are recognized as a Level I trauma center by the Illinois Department of Public Health shall receive the Level I trauma center adjustment.
 - B) Adjustment. Illinois hospitals meeting the criteria specified in subsection (a)(1)(A) of this Section shall receive an adjustment as follows:
 - i) Hospitals with Medicaid trauma admissions equal to or greater than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) of this

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Section, shall receive an adjustment of \$21,365.00 per Medicaid trauma admission in the CHAP base period.

- ii) Hospitals with Medicaid trauma admissions less than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) of this Section, shall receive an adjustment of \$14,165.00 per Medicaid trauma admission in the CHAP base period.
- 2) Level II Rural Trauma Center Adjustment. Illinois rural hospitals, as defined in Section 148.25(g)(3), that, on the first day of July in the CHAP rate period, are recognized as a Level II trauma center by the Illinois Department of Public Health shall receive an adjustment of \$11,565.00 per Medicaid trauma admission in the CHAP base period.
- 3) Level II Urban Trauma Center Adjustment. Illinois urban hospitals, as described in Section 148.25(g)(4), that, on the first day of July in the CHAP rate period, are recognized as Level II trauma centers by the Illinois Department of Public Health shall receive an adjustment of \$11,565.00 per Medicaid trauma admission in the CHAP base period, provided that such hospital meets the criteria described below:
 - A) The hospital is located in a county with no Level I trauma center; and
 - B) The hospital is located in a Health Professional Shortage Area (HPSA) (42 CFR 5), as of the first day of July in the CHAP rate period, and has a Medicaid trauma admission percentage at or above the mean of the individual facility values determined in subsection (a)(3) of this Section; or the hospital is not located in an HPSA and has a Medicaid trauma admission percentage that is at least the mean plus one standard deviation of the individual facility values determined in subsection (a)(3) of this Section.
- b) Rehabilitation Hospital Adjustment (RHA)
Illinois hospitals that, on the first day of July in the CHAP rate period, qualify as rehabilitation hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(2), and that are accredited by the Commission on Accreditation of Rehabilitation Facilities

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(CARF), shall receive a rehabilitation hospital adjustment in the CHAP rate period that consists of the following three components:

- 1) Treatment Component. All hospitals defined in subsection (b) of this Section shall receive \$4,215.00 per Medicaid Level I rehabilitation admission in the CHAP base period.
 - 2) Facility Component. All hospitals defined in subsection (b) of this Section shall receive a facility component that shall be based upon the number of Medicaid Level I rehabilitation admissions in the CHAP base period as follows:
 - A) Hospitals with fewer than 60 Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of \$229,360.00 in the CHAP rate period.
 - B) Hospitals with 60 or more Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of \$527,528.00 in the CHAP rate period.
 - 3) Health Professional Shortage Area Adjustment Component. Hospitals defined in subsection (b) of this Section that are located in an HPSA on July 1, 1999, shall receive \$276.00 per Medicaid Level I rehabilitation inpatient day in the CHAP base period.
- c) Direct Hospital Adjustment (DHA) Criteria
- 1) Qualifying Criteria
Hospitals may qualify for the DHA under this subsection (c) under the following categories unless the hospital does not provide comprehensive emergency treatment services as defined in 77 Ill. Adm. Code 250.710(a) on or after July 1, 2006, but did provide comprehensive emergency treatment services as defined in 77 Ill. Adm. Code 250.710(a) on January 1, 2006:
 - A) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals and long term stay hospitals, all other hospitals located in Health Service Area (HSA) 6 that either:

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- i) were eligible for Direct Hospital Adjustments under the CHAP program as of July 1, 1999 and had a Medicaid inpatient utilization rate (MIUR) equal to or greater than the statewide mean in Illinois on July 1, 1999;
 - ii) were eligible under the Supplemental Critical Hospital Adjustment Payment (SCHAP) program as of July 1, 1999 and had an MIUR equal to or greater than the statewide mean in Illinois on July 1, 1999; or
 - iii) were county owned hospitals as defined in 89 Ill. Adm. Code 148.25(b)(1)(A), and had an MIUR equal to or greater than the statewide mean in Illinois on July 1, 1999.
- B) Illinois hospitals located outside of HSA 6 that had an MIUR greater than 60 percent on July 1, 1999 and an average length of stay less than ten days. The following hospitals are excluded from qualifying under this subsection (c)(1)(B): children's hospitals; psychiatric hospitals; rehabilitation hospitals; and long term stay hospitals.
- C) Children's hospitals, as defined under 89 Ill. Adm. Code 149.50(c)(3), on July 1, 1999.
- D) Illinois teaching hospitals, with more than 40 graduate medical education programs on July 1, 1999, not qualifying in subsection (c)(1)(A), (B), or (C) of this Section.
- E) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals qualifying in subsection (c)(1)(A), (B), (C) or (D) of this Section, all other hospitals located in Illinois that had an MIUR equal to or greater than the mean plus one-half standard deviation on July 1, 1999 and provided more than 15,000 Total days.
- F) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals,

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long term stay hospitals and hospitals otherwise qualifying in subsection (c)(1)(A), (B), (C), (D), or (E) of this Section, all other hospitals that had an MIUR greater than 40 percent on July 1, 1999 and provided more than 7,500 Total days and provided obstetrical care as of July 1, 2001.

- G) Illinois teaching hospitals with 25 or more graduate medical education programs on July 1, 1999 that are affiliated with a Regional Alzheimer's Disease Assistance Center as designated by the Alzheimer's Disease Assistance Act [410 ILCS 405/4], that had an MIUR less than 25 percent on July 1, 1999 and provided 75 or more Alzheimer days for patients diagnosed as having the disease.
 - H) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals otherwise qualifying in subsection (c)(1)(A) through (c)(1)(G) of this Section, all other hospitals that had an MIUR greater than 50 percent on July 1, 1999.
 - I) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals otherwise qualifying in subsection (c)(1)(A) through (c)(1)(H) of this Section, all other hospitals that had an MIUR greater than 23 percent on July 1, 1999, had an average length of stay less than four days, provided more than 4,200 Total days and provided 100 or more Alzheimer days for patients diagnosed as having the disease.
- 2) DHA Rates
- A) For hospitals qualifying under subsection (c)(1)(A) of this Section, the DHA rates are as follows:
 - i) Hospitals that have a Combined MIUR that is equal to or greater than the Statewide mean Combined MIUR, but less than one standard deviation above the Statewide mean Combined MIUR, will receive \$69.00 per day for hospitals

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that do not provide obstetrical care and \$105.00 per day for hospitals that do provide obstetrical care.

- ii) Hospitals that have a Combined MIUR that is equal to or greater than one standard deviation above the Statewide mean Combined MIUR, but less than one and one-half standard deviation above the Statewide mean Combined MIUR, will receive \$105.00 per day for hospitals that do not provide obstetrical care and \$142.00 per day for hospitals that do provide obstetrical care.
- iii) Hospitals that have a Combined MIUR that is equal to or greater than one and one-half standard deviation above the Statewide mean Combined MIUR, but less than two standard deviations above the Statewide mean Combined MIUR, will receive \$124.00 per day for hospitals that do not provide obstetrical care and \$160.00 per day for hospitals that do provide obstetrical care.
- iv) Hospitals that have a Combined MIUR that is equal to or greater than two standard deviations above the Statewide mean Combined MIUR will receive \$142.00 per day for hospitals that do not provide obstetrical care and \$179.00 per day for hospitals that do provide obstetrical care.

B) Hospitals qualifying under subsection (c)(1)(A) of this Section will also receive the following rates:

- i) County owned hospitals as defined in Section 148.25 with more than 30,000 Total days will have their rate increased by \$455.00 per day.
- ii) Hospitals that are not county owned with more than 30,000 Total days will have their rate increased by \$330.00 per day.
- iii) Hospitals with more than 80,000 Total days will have their rate increased by an additional \$423.00 per day.

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- iv) Hospitals with more than 4,500 Obstetrical days will have their rate increased by \$101.00 per day.
 - v) Hospitals with more than 5,500 Obstetrical days will have their rate increased by an additional \$194.00 per day.
 - vi) Hospitals with an MIUR greater than 74 percent will have their rate increased by \$147.00 per day.
 - vii) Hospitals with an average length of stay less than 3.9 days will have their rate increased by \$41.00 per day.
 - viii) Hospitals with an MIUR greater than the statewide mean plus one standard deviation that are designated a Perinatal Level 2 Center and have one or more obstetrical graduate medical education programs as of July 1, 1999 will have their rate increased by \$227.00 per day.
 - ix) Hospitals receiving payments under subsection (c)(2)(A)(ii) of this Section that have an average length of stay less than four days will have their rate increased by \$528.00 per day.
 - x) Hospitals receiving payments under subsection (c)(2)(A)(ii) of this Section that have an MIUR greater than 60 percent will have their rate increased by \$320.50 per day.
 - xi) Hospitals receiving payments under subsection (c)(2)(A)(iv) of this Section that have an MIUR greater than 70 percent and have more than 20,000 days will have their rate increased by \$98.00 per day.
 - xii) Hospitals with a Combined MIUR greater than 75 percent that have more than 20,000 total days, have an average length of stay less than five days and have at least one graduate medical program will have their rate increased by \$148.00 per day.
- C) Hospitals qualifying under subsection (c)(1)(B) of this Section will receive the following rates:

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- i) Qualifying hospitals will receive a rate of \$421.00 per day.
 - ii) Qualifying hospitals with more than 1,500 Obstetrical days will have their rate increased by \$369.00 per day.
- D) Hospitals qualifying under subsection (c)(1)(C) of this Section will receive the following rates:
- i) Hospitals will receive a rate of \$28.00 per day.
 - ii) Hospitals located in Illinois and outside of HSA 6 that have an MIUR greater than 60 percent will have their rate increased by \$55.00 per day.
 - iii) Hospitals located in Illinois and inside HSA 6 that have an MIUR greater than 80 percent will have their rate increased by \$573.00 per day.
 - iv) Hospitals that are not located in Illinois that have an MIUR greater than 45 percent will have their rate increased by \$32.00 per day for hospitals that have fewer than 4,000 Total days; or \$246.00 per day for hospitals that have more than 4,000 Total days but fewer than 8,000 Total days; or \$178.00 per day for hospitals that have more than 8,000 Total days.
 - v) Hospitals with more than 3,200 Total admissions will have their rate increased by \$328.00 per day.
- E) Hospitals qualifying under subsection (c)(1)(D) of this Section will receive the following rates:
- i) Hospitals will receive a rate of \$41.00 per day.
 - ii) Hospitals with an MIUR between 18 percent and 19.75 percent will have their rate increased by an additional \$14.00 per day.

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- iii) Hospitals with an MIUR equal to or greater than 19.75 percent will have their rate increased by an additional \$110.25 per day.
- iv) Hospitals with a combined MIUR that is equal to or greater than 35 percent will have their rate increased by an additional \$41.00 per day.
- F) Hospitals qualifying under subsection (c)(1)(E) of this Section will receive \$188.00 per day.
- G) Hospitals qualifying under subsection (c)(1)(F) of this Section will receive a rate of \$55.00 per day.
- H) Hospitals that qualify under subsection (c)(1)(G) of this Section will receive the following rates:
 - i) Hospitals with an MIUR ~~equal to or less~~ greater than 19.75 percent will receive a rate of ~~\$1169.00~~ \$110.00 per day.
 - ii) Hospitals with an MIUR ~~greater~~ equal to or less than 19.75 percent, but equal to or less than 20.00 percent will receive a rate of ~~\$6944.00~~ \$110.00 per day.
 - iii) Hospitals with an MIUR greater than 20.00 percent will receive a rate of \$110.00 per day.
- I) Hospitals qualifying under subsection (c)(1)(H) of this Section will receive a rate of \$268.00 per day.
- J) Hospitals qualifying under subsection (c)(1)(I) of this Section will receive a rate of \$238.00 per day.
- K) Hospitals that qualify under subsection (c)(1)(A)(iii) of this Section will have their rates multiplied by a factor of two. The payments calculated under this Section to hospitals that qualify under subsection (c)(1)(A)(iii) of this Section may be adjusted by the Department to ensure compliance with aggregate and hospital specific federal payment limitations. A portion of the payments

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calculated under this Section may be classified as disproportionate share adjustments for hospitals qualifying under subsection (c)(1)(A)(iii) of this Section.

3) DHA Payments

A) Payments under this subsection (c) will be made at least quarterly, beginning with the quarter ending December 31, 1999.

B) Payment rates will be multiplied by the Total days.

C) Total Payment Adjustments

i) For the CHAP rate period occurring in State fiscal year ~~20072006~~, total payments will equal the methodologies described in subsection (c)(2) of this Section. For the period January 1, ~~20072006~~, to June 30, ~~20072006~~, payment will equal the State fiscal year ~~20072006~~ amount less the amount the hospital received under DHA for the quarters ending September 30, ~~20072006~~, and December 31, ~~20072006~~.

ii) For CHAP rate periods occurring after State fiscal year 2006, total payments will equal the methodologies described in subsection (c)(2) of this Section.

d) Rural Critical Hospital Adjustment Payments (RCHAP)

RCHAP shall be made to rural hospitals, as described in 89 Ill. Adm. Code 140.80(j)(1), for certain inpatient admissions. The hospital qualifying under this subsection that has the highest number of Medicaid obstetrical care admissions during the CHAP base period shall receive \$367,179.00 per year. The Department shall also make an RCHAP to hospitals qualifying under this subsection at a rate that is the greater of:

- 1) the product of \$1,367.00 multiplied by the number of RCHAP Obstetrical Care Admissions in the CHAP base period, or
- 2) the product of \$138.00 multiplied by the number of RCHAP General Care Admissions in the CHAP base period.

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- e) **Total CHAP Adjustments**
Each eligible hospital's critical hospital adjustment payment shall equal the sum of the amounts described in subsections (a), (b), (c) and (d) of this Section. The critical hospital adjustment payments shall be paid at least quarterly.
- f) **Critical Hospital Adjustment Limitations**
Hospitals that qualify for trauma center adjustments under subsection (a) of this Section shall not be eligible for the total trauma center adjustment if, during the CHAP rate period, the hospital is no longer recognized by the Illinois Department of Public Health as a Level I trauma center as required for the adjustment described in subsection (a)(1) of this Section, or a Level II trauma center as required for the adjustment described in subsection (a)(2) or (a)(3) of this Section. In these instances, the adjustments calculated shall be pro-rated, as applicable, based upon the date that such recognition ceased.
- g) **Critical Hospital Adjustment Payment Definitions**
The definitions of terms used with reference to calculation of the CHAP required by this Section are as follows:
 - 1) "Alzheimer days" means total paid days contained in the Department's paid claims database with a ICD-9-CM diagnosis code of 331.0 for dates of service occurring in State fiscal year 2001 and adjudicated through June 30, 2002.
 - 2) "CHAP base period" means State Fiscal Year 1994 for CHAP calculated for the July 1, 1995 CHAP rate period; State Fiscal Year 1995 for CHAP calculated for the July 1, 1996 CHAP rate period; etc.
 - 3) "CHAP rate period" means, beginning July 1, 1995, the 12 month period beginning on July 1 of the year and ending June 30 of the following year.
 - 4) "Combined MIUR" means the sum of Medicaid Inpatient Utilization Rate (MIUR) as of July 1, 1999, and as defined in Section 148.120(k)(5), plus the Medicaid obstetrical inpatient utilization rate, as described in Section 148.120(k)(6), as of July 1, 1999.
 - 5) "Medicaid general care admission" means hospital inpatient admissions that were subsequently adjudicated by the Department through the last day

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of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns, Medicare/Medicaid crossover admissions, psychiatric and rehabilitation admissions.

- 6) "Medicaid Level I rehabilitation admissions" means those claims billed as Level I admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 054.3, 310.1 through 310.2, 320.1, 336.0 through 336.9, 344.0 through 344.2, 344.8 through 344.9, 348.1, 801.30, 803.10, 803.84, 806.0 through 806.19, 806.20 through 806.24, 806.26, 806.29 through 806.34, 806.36, 806.4 through 806.5, 851.06, 851.80, 853.05, 854.0 through 854.04, 854.06, 854.1 through 854.14, 854.16, 854.19, 905.0, 907.0, 907.2, 952.0 through 952.09, 952.10 through 952.16, 952.2, and V57.0 through V57.89, excluding admissions for normal newborns.
- 7) "Medicaid Level I rehabilitation inpatient day" means the days associated with the claims defined in subsection (g)(5) of this Section.
- 8) "Medicaid obstetrical care admission" means hospital inpatient admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of Social Security Act, with Diagnosis Related Grouping (DRG) of 370 through 375; and specifically excludes Medicare/Medicaid crossover claims.
- 9) "Medicaid trauma admission" means those claims billed as admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 800.0 through 800.99, 801.0 through 801.99, 802.0 through 802.99, 803.0 through 803.99, 804.0 through 804.99, 805.0 through 805.98, 806.0 through 806.99, 807.0 through 807.69, 808.0 through 808.9, 809.0 through 809.1, 828.0 through 828.1, 839.0 through 839.31, 839.7 through 839.9, 850.0 through 850.9, 851.0 through 851.99,

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852.0 through 852.59, 853.0 through 853.19, 854.0 through 854.19, 860.0 through 860.5, 861.0 through 861.32, 862.8, 863.0 through 863.99, 864.0 through 864.19, 865.0 through 865.19, 866.0 through 866.13, 867.0 through 867.9, 868.0 through 868.19, 869.0 through 869.1, 887.0 through 887.7, 896.0 through 896.3, 897.0 through 897.7, 900.0 through 900.9, 902.0 through 904.9, 925 through 925.2, 926.8, 929.0 through 929.99, 958.4, 958.5, 990 through 994.99.

- 10) "Medicaid trauma admission percentage" means a fraction, the numerator of which is the hospital's Medicaid trauma admissions and the denominator of which is the total Medicaid trauma admissions in a given 12 month period for all Level II urban trauma centers.
- 11) "RCHAP general care admissions" means Medicaid General Care Admissions, as defined in subsection (g)(4) of this Section, less RCHAP Obstetrical Care Admissions, occurring in the CHAP base period.
- 12) "RCHAP obstetrical care admissions" means Medicaid Obstetrical Care Admissions, as defined in subsection (g)(7) of this Section, with a Diagnosis Related Grouping (DRG) of 370 through 375, occurring in the CHAP base period.
- 13) "Total admissions" means total paid admissions contained in the Department's paid claims database, including obstetrical admissions multiplied by two and excluding Medicare crossover admissions, for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999.
- 14) "Total days" means total paid days contained in the Department's paid claims database, including obstetrical days multiplied by two and excluding Medicare crossover days, for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999.
- 15) "Total obstetrical days" means hospital inpatient days for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999, with an ICD-9-CM principal diagnosis code of 640.0 through 648.9 with a 5th digit of 1 or 2; 650; 651.0 through 659.9 with a 5th digit of 1, 2, 3, or 4; 660.0 through 669.9 with a 5th digit of 1, 2, 3, or 4; 670.0 through 676.9 with a 5th digit of 1 or 2; V27 through V27.9; V30 through V39.9; or any

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ICD-9-CM principal diagnosis code that is accompanied with a surgery procedure code between 72 and 75.99; and specifically excludes Medicare/Medicaid crossover claims.

(Source: Amended by emergency rulemaking at 31 Ill. Reg. 1997, effective January 15, 2007, for a maximum of 150 days)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) The Notice of Proposed Amendments that is being corrected appeared at 31 Ill. Reg. 349 dated January 12, 2007.
- 4) The information being corrected is as follows: In the answer for question 10 on the notice page concerning whether there were amendments pending on Part 140, Section 140.20 was inadvertently omitted from the list of sections with pending amendments. Item 10 on the notice page should have read as follows:

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.13	Amendment	30 Ill. Reg. 14007; 08/25/06
140.15	Amendment	30 Ill. Reg. 14007; 08/25/06
140.18	Amendment	30 Ill. Reg. 14007; 08/25/06
140.20	Amendment	30 Ill. Reg. 14007; 08/25/06
140.24	Amendment	30 Ill. Reg. 14007; 08/25/06
140.25	Amendment	30 Ill. Reg. 14007; 08/25/06
140.28	Amendment	30 Ill. Reg. 14007; 08/25/06
140.30	Amendment	30 Ill. Reg. 14007; 08/25/06
140.33	Amendment	30 Ill. Reg. 14007; 08/25/06
140.1001	Amendment	30 Ill. Reg. 14007; 08/25/06
140.1002	Amendment	30 Ill. Reg. 14007; 08/25/06
140.1003	Amendment	30 Ill. Reg. 14007; 08/25/06
140.1004	Amendment	30 Ill. Reg. 14007; 08/25/06
140.1005	Amendment	30 Ill. Reg. 14007; 08/25/06
140.469	Amendment	30 Ill. Reg. 17719; 11/13/06
140.526	Amendment	30 Ill. Reg. 17719; 11/13/06
140.530	Amendment	30 Ill. Reg. 17719; 11/13/06
140.860	Amendment	30 Ill. Reg. 17719; 11/13/06
140.994	New Section	30 Ill. Reg. 18860; 12/15/06
140.995	New Section	30 Ill. Reg. 18860; 12/15/06
140.996	New Section	30 Ill. Reg. 18860; 12/15/06
140.997	New Section	30 Ill. Reg. 18860; 12/15/06

The notice page of the companion emergency rulemaking in the same issue of the *Illinois Register* at 31 Ill. Reg. 1580 contained the same omission noted above.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

DEPARTMENT OF FINANCIAL AND PROFESSIONAL
REGULATION-DIVISION OF INSURANCE

Heading of the Part: Insurance Cost Containment Data Reporting Requirements

Code Citation: 50 Ill. Adm. Code 4203

<u>Section Numbers:</u>	4203.10	4203.60	4203.110	4203.APPENDIX A
	4203.20	4203.70	4203.200	4203.APPENDIX B
	4203.30	4203.80	4203.210	
	4203.40	4203.90	4203.220	
	4203.50	4203.100	4203.230	

Date Originally Published in the Illinois Register: 2/10/06
30 Ill. Reg. 1721

At its meeting on January 9, 2007, the Joint Committee on Administrative Rules objected to the Department of Financial and Professional Regulation's rulemaking titled Insurance Cost Containment Data Reporting Requirements (50 Ill. Adm. Code 4203; 30 Ill. Reg. 1721) because, contrary to Sections 1-70 and 5-10 of the IAPA, the Department implemented a component of the rulemaking prior to its adoption.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Long Term Care Reimbursement Changes

Code Citation: 89 Ill. Adm. Code 153

Section Numbers: 153.125

Date Originally Published in the Illinois Register: 12/1/06
30 Ill. Reg. 18779

At its meeting on January 9, 2007, the Joint Committee on Administrative Rules objected to the emergency rules of the Department of Healthcare and Family Services adopting its emergency rule titled Long Term Care Reimbursement (89 Ill. Adm. Code 153; 30 Ill. Reg. 18779) because the adoption violates Section 5-45(c) of the IAPA (an agency cannot adopt the same emergency rule more than once in any 24-month period). HFS adopted an emergency rule on July 1, 2006 (30 Ill. Reg. 11853) that is substantively identical to this November 28, 2006 emergency rule.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

SECRETARY OF STATE

Heading of the Part: Procedures and Standards

Code Citation: 92 Ill. Adm. Code 1001

Section Numbers: 1001.220(j)(2)
1001.410

Date Originally Published in the Illinois Register: 8/18/06
30 Ill. Reg. 13757

At its meeting on January 9, 2007, the Joint Committee on Administrative Rules objected to Sections 1001.220(j)(2) and 1001.410 of the above cited rulemaking because the Secretary is using a style of statutory citation that differs from that normally used in the Illinois Administrative Code, thereby creating unnecessary confusion for the public.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

OBJECTION AND FILING PROHIBITION

STATE BOARD OF EDUCATION

Heading of the Part: Special Education

Code Citation: 23 Ill. Adm. Code 226

<u>Section Numbers:</u>	226.10	226.160	226.300	226.510	226.625	226.690
	226.50	226.170	226.310	226.530	226.630	226.700
	226.60	226.180	226.330	226.540	226.635	226.710
	226.75	226.190	226.340	226.550	226.640	226.720
	226.100	226.200	226.350	226.560	226.645	226.730
	226.110	226.210	226.400	226.570	226.650	226.731
	226.120	226.220	226.410	226.600	226.655	226.735
	226.130	226.230	226.420	226.605	226.660	226.740
	226.135	226.240	226.430	226.610	226.665	226.750
	226.140	226.250	226.440	226.615	226.670	226.760
	226.150	226.260	226.500	226.620	226.680	

Date Originally Published in the Illinois Register: 3/17/06
30 Ill. Reg. 4421

At its meeting on January 9, 2007, the Joint Committee on Administrative Rules voted to object to the above proposed rulemaking and prohibit its filing with the Secretary of State. The Committee found that the adoption of these rules would constitute a serious threat to the public interest, safety or welfare. The reason for the Objection and Prohibition is as follows:

JCAR objected to, and prohibits the filing of, the State Board of Education's rulemaking titled Special Education (23 Ill. Adm. Code 226; 30 Ill. Reg. 4421) because its adoption of policies, not mandated by the United States Department of Education, poses a serious threat to the interests of children with disabilities and special education teachers.

The proposed rule may not be filed with the Secretary of State or enforced by the State Board of Education for any reason following receipt of this certification and statement by the Secretary of State for as long as the Filing Prohibition remains in effect.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 9, 2007 through January 16, 2007 and have been scheduled for review by the Committee at its February 6, 2007 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
2/21/07	<u>Secretary of State</u> , Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)	11/17/06 30 Ill. Reg. 18089	2/6/07
2/23/07	<u>Environmental Protection Agency</u> , Municipal Brownfields Redevelopment Grant Program (35 Ill. Adm. Code 885)	9/29/06 30 Ill. Reg. 15345	2/6/07

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF RESCINDED SUSPENSION UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has rescinded the suspension against Renaissance Mortgage Corporation, License No. MB.0006714 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 27, 2006. For further reference link to: www.idfpr.com

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2006 FOURTH QUARTER INCOME TAX SUNSHINE INDEX

1. Statute requiring agency to publish information concerning Private Letter Rulings in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the Fourth Quarter of 2006. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 2 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Alternative Apportionment
Composite Returns
Credits – Film Credit
Credits – Foreign Tax
Military
Public Law 86-272
Refunds – Statute of Limitations
Residency/Nonresidency

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2006 FOURTH QUARTER INCOME TAX SUNSHINE INDEX

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50 cents per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.tax.illinois.gov.

The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004 and 2005 are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

3. Name and address of person to contact concerning this information:

Linda Settle
Illinois Department of Revenue
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794
Telephone: (217) 782-7055

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2006 FOURTH QUARTER INCOME TAX SUNSHINE INDEX

ALTERNATIVE APPORTIONMENT

IT 06-0037-GIL 12/26/2006 Petition for alternative apportionment contained insufficient information to allow a determination.

COMPOSITE RETURNS

IT 06-0029-GIL 10/04/2006 A taxpayer may claim a credit on his or her individual income tax return for taxes paid on a composite return only if prior permission has been received from the Department.

CREDITS – FILM CREDIT

IT 06-0036-GIL 12/12/2006 The amount of film production services credit allowable is determined by the Department of Commerce and Economic Opportunity.

CREDITS – FOREIGN TAX

IT 06-0034-GIL 11/15/2006 Prior to 2006, no credit is allowed for taxes paid to another state on compensation "paid in this State."

IT 06-0035-GIL 11/22/2006 Explanation of computation of "double taxed income" for California.

MILITARY

IT 06-0032-GIL 10/26/2006 Illinois does not tax compensation of U.S. military or Illinois National Guard.

PUBLIC LAW 86-272/NEXUS

IT 06-0031-GIL 10/12/2006 Nexus determinations are not the proper subject of a letter ruling.

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REFUNDS – STATUTE OF LIMITATIONS

IT 06-0030-GIL 10/11/2006 No claim for refund or credit of amounts withheld or paid as estimated taxes during a year may be filed if no return for the year is filed within 3 years after the due date for filing.

RESIDENCY/NONRESIDENCY

IT 06-0033-GIL 11/02/2006 A trust is an Illinois resident if its grantor was an Illinois resident at the time the trust became irrevocable.

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1. Statute requiring agency to publish information concerning Private Letter Rulings in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1

2. Summary of information:

Index of Department of Revenue sales tax Private Letter Rulings and General Information Letters issued for the Fourth Quarter of 2006. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 2 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Exempt Organizations

Food

Hotel Operators' Tax

Manufacturing Machinery &

Equipment

Medical Appliances

Miscellaneous

Sale at Retail

Service Occupation Tax

Telecommunications Excise Tax

Trade-Ins

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Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50¢ per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.tax.illinois.gov/.

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for \$3.00.

3. Name and address of person to contact concerning this information:

Marie Keeney
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794
Telephone: (217) 782-2844

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EXEMPT ORGANIZATIONS

- ST 06-0209-GIL 10/30/2006 This letter discusses the various tax liabilities of fund raising organizations and their suppliers. See 86 Ill. Adm. Code 130.2005, 86 Ill. Adm. Code 130.2006, 86 Ill. Adm. Code 130.2007, and 86 Ill. Adm. Code 130.2009.
- ST 06-0215-GIL 12/11/2006 Organizations that qualify as exclusively religious, charitable, or educational can apply to the Illinois Department of Revenue to obtain tax exemption identification (an "E" number) numbers. See 86 Ill. Adm. Code 130.2007.

FOOD

- ST 06-0216-GIL 12/11/2006 This letter discusses sales of food through vending machines. See 35 ILCS 120/2-10.

HOTEL OPERATORS' TAX

- ST 06-0018-PLR 10/18/2006 Early Departure Fees are a part of a hotel's gross receipts subject to Hotel Operators' Occupation Tax liability. See 35 ILCS 145/2 and 86 Ill. Adm. Code 480.101.

MANUFACTURING MACHINERY & EQUIPMENT

- ST 06-0208-GIL 10/30/2006 In order to qualify for the manufacturing machinery and equipment exemption from sales tax, the machinery or equipment must be used in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. See 86 Ill. Adm. Code 130.330.
- ST 06-0213-GIL 12/11/2006 Machinery and equipment used to clean floors generally does not qualify for the manufacturing machinery and equipment exemption because it is not used to manufacture or assemble tangible personal property for wholesale or retail sale or lease. See 86 Ill. Adm. Code 130.330(a).

MEDICAL APPLIANCES

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ST 06-0203-GIL 10/19/2006 Food, drugs, medicines and medical appliances are subject to a low rate of tax, 1%. Prescription eyeglasses and contact lenses, eyeglass frames, eyeglass lenses and reading glasses are taxable at the low rate. See 86 Ill. Adm. Code 130.310.

ST 06-0217-GIL 12/11/2006 Wheelchair ramps, stairway wheelchair lifts, stairway chair lifts, vertical wheelchair lifts, and bathtub lifts do not qualify for the low rate of tax afforded medical appliances. See 86 Ill. Adm. Code subsection 130.310(c)(2).

MISCELLANEOUS

ST 06-0019-PLR 10/19/2006 The Department's regulation "Public Information, Rulemaking and Organization" provides that "[w]hether to issue a private letter ruling in response to a letter ruling request is within the discretion of the Department. The Department will respond to all requests for private letter rulings either by issuance of a ruling or by a letter explaining that the request for ruling will not be honored." 2 Ill. Adm. Code 1200.110(a)(4).

ST 06-0204-GIL 10/19/2006 This letter answers questions about nexus and charges for support/service contracts, upgrade installations and labor to install equipment.

ST 06-0205-GIL 10/19/2006 This letter refers the taxpayer to the Department's website at www.ILTAX.com for access to the Department's letters, regulations, and publications.

ST 06-0206-GIL 10/19/2006 This letter discusses the application of tax to monthly subscription charges that entitle the purchaser to download postage. See 86 Ill. Adm. Code Part 495 and 86 Ill. Adm. Code Part 130.

ST 06-0210-GIL 12/07/2006 If a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the \$20,000 threshold for making quarter-monthly payments, then such taxpayer may petition the

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Department for a change in such taxpayer's reporting status. See 35 ILCS120/3.

ST 06-0211-GIL 12/11/2006 For information regarding sales tax and exemptions we refer you to the sales tax rules at 86 Ill. Adm. Code Part 130.

ST 06-0212-GIL 12/11/2006 The Department's regulation "Persons Who Repair or Otherwise Service Tangible Personal Property" at 86 Ill. Adm. Code 130.2015 provides guidance for when such persons incur Retailers' Occupation Tax liability or Service Occupation Tax liability.

ST 06-0214-GIL 12/11/2006 This letter responds to an annual survey regarding coal mining equipment. See 86 Ill. Adm. Code 130.350.

SALE AT RETAIL

ST 06-0020-PLR 10/30/2006 The Retailers' Occupation Tax Act, 35 ILCS 120 imposes a tax upon persons engaged in this State in the business of selling tangible personal property to purchasers for use or consumption.

SERVICE OCCUPATION TAX

ST 06-0017-PLR 10/16/2006 Sellers of special order machines are considered to be engaged primarily in a service occupation, rather than being engaged in the business of selling tangible personal property, if the test set out in 86 Ill. Adm. Code 130.2115(b)(1) is met. See 86 Ill. Adm. Code 130.2115.

ST 06-0207-GIL 10/24/2006 This letter concerns Service Occupation Tax liabilities of pharmacists. See 86 Ill. Adm. Code 140.106.

TELECOMMUNICATIONS EXCISE TAX

ST 06-0218-GIL 12/11/2006 The Telecommunications Excise Tax is imposed upon the act or privilege of originating or receiving intrastate or interstate telecommunications in Illinois at the rate of 7% of the gross charges for such telecommunications purchased at retail from retailers. This letter

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discusses the obligations of Internet service providers. See 86 Ill. Adm. Code 495.

TRADE-INS

ST 06-0202-GIL 10/03/2006 This letter concerns trade-ins of motor vehicles. See 86 Ill. Adm. Code 130.425 and 130.455.

PROCLAMATIONS

2007-1

Dr. MARTIN LUTHER KING, JR. DAY

- WHEREAS, at the time of his death in 1968, Dr. Martin Luther King, Jr. was a leading advocate for racial equality, social justice, and universal peace; and
- WHEREAS, in the 11-year period between 1955 and 1968, Dr. King traveled more than six million miles and spoke on more than 2,500 occasions, appearing and speaking wherever there was injustice and civil unrest; and
- WHEREAS, during that time, Dr. King helped lead a successful bus boycott in Montgomery, Alabama to end segregation on city buses and improve treatment of passengers. King also led a massive civil rights protest in Birmingham, Alabama that drew worldwide attention to the appalling treatment of African Americans in the South; and
- WHEREAS, Dr. King is best known, however, for his "I Have A Dream" speech during the peaceful March on Washington demonstration for civil rights, in which he eloquently described a day when "all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual, 'Free at last! Free at last! Thank God Almighty, we are free at last;'" and
- WHEREAS, in January of 2006, Dr. King's wife, Coretta Scott King, passed away. She was at Dr. King's side during his finest hours, including when he received the Nobel Peace Prize in 1964, and during his historic march for voting rights in Selma, Alabama in 1965. Along with her husband, she left behind a legacy of courage and compassion, and her message of equal rights and peace for all continues to make our world a better place; and
- WHEREAS, it has been close to 40 years since Dr. King's death, but his words and teachings still resonate today. Consequently, the Illinois Department of Human Rights is promoting a photo exhibit entitled "The Chicago Freedom Movement" featuring photos by award winning photographer Bernard Kleina and provided by Hope Fair Housing Center, commemorating the 40th anniversary of Dr. King's struggle for fair housing and civil rights in Chicago:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 15, 2007 as DR. MARTIN LUTHER KING, JR. DAY in Illinois in honor and

PROCLAMATIONS

remembrance of Dr. King, whose dream of racial equality, social justice, and universal peace we embrace and strive to realize.

Issued by the Governor on January 8, 2007.

Filed by the Secretary of State January 11, 2007.

2007-2**SILVER STAR DAY**

WHEREAS, the State of Illinois has always honored the sacrifice of the men and women in the Armed Forces; and

WHEREAS, The Silver Star Families of America was formed to make sure we remember the blood sacrifice of our wounded by designing and manufacturing a Silver Star Banner and Flag; and

WHEREAS, to date, The Silver Star Families of America has freely given out hundreds of Silver Star Banners to the wounded and their families; and

WHEREAS, the members of The Silver Star Families of America have worked tirelessly to provide the wounded of this State and Country with Silver Star Banners, Flags, and care packages; and

WHEREAS, The Silver Star Families of America's sole mission is to honor the blood sacrifice of our wounded with a Silver Star Banner that can be used in a window or a Silver Star Flag for passersby to recognize the sacrifice by that Armed Service member; and

WHEREAS, the State of Illinois joins The Silver Star Families of America in their commitment to make sure that the sacrifice of so many in our Armed Forces never be forgotten:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 1, 2007 as SILVER STAR DAY in Illinois, and encourage all citizens to join in the mission of The Silver Star Families of America and honor all of our wounded Armed Service members.

Issued by the Governor on January 11, 2007.

Filed by the Secretary of State January 11, 2007.

2007-3**CROSSING GUARD APPRECIATION DAY**

PROCLAMATIONS

- WHEREAS, approximately 20,000 children under the age of fourteen suffer from motor vehicle-related pedestrian injuries, and more than half of those injuries require hospitalization; and
- WHEREAS, many of these injuries could be avoided if children had proper road-safety education and did not choose to cross streets or use intersections unsupervised; and
- WHEREAS, crossing guards are a dependable means of helping children to avoid unnecessary accidents and injuries; and
- WHEREAS, motorists should be aware of children walking to and from school and be especially cautious in and around school zones. They also should follow the directions of all crossing guards and recognize that by doing so, road safety can be improved; and
- WHEREAS, crossing guards play an integral role in our communities, working hard to ensure the security of children as they walk to and from school and cross streets. In addition, they teach children to look both ways before crossing streets, as well as other essential safety rules:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby declare May 1, 2007 as CROSSING GUARD APPRECIATION DAY in Illinois, and encourage citizens to be appreciative of the service that these dedicated professionals provide to keep our citizens and their children safe.

Issued by the Governor on January 11, 2007.

Filed by the Secretary of State January 11, 2007.

2007-4**ELK GROVE ROTARY RIBFEST STATE CHAMPIONSHIP COMPETITION DAY**

- WHEREAS, on June 16th, 2007, the Elk Grove Rotary Club will hold their "Styx, Stones, and Bones Rotary Ribfest" in Elk Grove Village, Illinois as a state championship day competition; and
- WHEREAS, the "Elk Grove Rotary Ribfest," as an Illinois State Championship, allows teams to qualify for national level barbeque competitions; and

PROCLAMATIONS

WHEREAS, this event, a Kansas City Barbeque Society (KCBS) sanctioned event, will bring together amazing entertainment and award winning BBQ competitors; and

WHEREAS, the State of Illinois is proud to recognize the many talented individuals who are putting their barbeque grilling skills to the test during this event:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 16, 2007 as the ELK GROVE ROTARY RIBFEST STATE CHAMPIONSHIP COMPETITION DAY in Illinois, and encourage all citizens to recognize and participate in this entertaining event that will undoubtedly showcase a variety of tasty barbeque recipes.

Issued by the Governor on January 11, 2007.

Filed by the Secretary of State January 11, 2007.

2007-5**NATIONAL BLOOD DONOR MONTH**

WHEREAS, approximately four million patients in the United States receive blood transfusions every year, and roughly 38,000 units of blood are required in hospitals and emergency treatment facilities on any given day; and

WHEREAS, unfortunately, blood donations often fall short of demand. While approximately eight million volunteers donate blood every year, just one trauma patient can use more than 100 units of blood, and donated blood has a shelf life of only 42 days; and

WHEREAS, even if volunteers donated blood regularly, donors can give only one unit of blood every eight weeks. Consequently, there is a continual need to recruit more donors; and

WHEREAS, January is commemorated as National Blood Donor Month to promote blood donations. Less than 5 percent of the eligible population actually donates blood, and community blood centers rely 100 percent on donations from volunteer donors in order to maintain a safe and viable blood supply:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 2007 as NATIONAL BLOOD DONOR MONTH in Illinois, and encourage all eligible donors to open their hearts this month by giving blood.

PROCLAMATIONS

Issued by the Governor on January 11, 2007.
Filed by the Secretary of State January 11, 2007.

2007-6**NATIONAL BLACK NURSES' DAY**

- WHEREAS, the depth and extensiveness of the registered nursing profession meets the diverse, and emerging health care needs of the American population in a wide range of settings; and
- WHEREAS, professional nursing has been demonstrated to be an indispensable component in the safety and quality care of hospitalized patients; and
- WHEREAS, currently, there is a nursing shortage in the State of Illinois, as well as across the United States, and therefore it is important that we work to encourage people to take up this noble line of work; and
- WHEREAS, nurses have been critical to helping doctors in Illinois. Doctors are seeing three to four times the number of patients they would normally see because of the loss of their peers, and nurses provide the necessary support needed to keep their offices functioning and running smoothly; and
- WHEREAS, in 1988, Congress declared the first Friday of February as a day to acknowledge all African-American nurses for their contributions to healthcare. This year, the City of Chicago's four African-American nursing associations: Chicago Chapter National Black Nurses' Association, Beta Mu Chapter of Lambda Pi Alpha Sorority, Alpha Eta Chapter of Chi Eta Phi Nursing Sorority, Inc., and Provident Hospital Nurses' Alumni Association are teaming up to celebrate the day, which falls on February 2:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 2, 2007 as NATIONAL BLACK NURSES' DAY in Illinois to promote the nursing profession, and in recognition of African-American nurses, for their commitment and dedication to the medical profession and to the well-being of patients, especially during this trying time for them and doctors.

Issued by the Governor on January 11, 2007.
Filed by the Secretary of State January 11, 2007.

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PROCLAMATIONS

AFRICAN AMERICAN HISTORY MONTH

- WHEREAS, Dr. Carter G. Woodson, a noted intellectual of his time, founded the Association for the Study of Afro-American Life and History (ASALH) in 1915. Eleven years later, Dr. Woodson created Negro History Week to celebrate the many contributions of African Americans to American culture and customs; and
- WHEREAS, Dr. Woodson designated the second week of February as Negro History Week to coincide with the birthdays of Abraham Lincoln and Frederick Douglass, in honor of their considerable impact on African American history. In 1976, ASALH extended the celebration for the entire month of February; and
- WHEREAS, there have been several milestone events in African American history during February, including: passage of the 15th Amendment in 1870, which granted African Americans the right to vote; the inauguration of the first African American Senator, Hiram Revels, also in 1870; and the founding of the National Association for the Advancement of Colored People in 1909; and
- WHEREAS, throughout African American History Month, organizations all across the country celebrate African American history with seminars, plays, concerts, art shows, films, dance performances, family workshops, and other expressions of creativity and pride. Here in Illinois, we are proud to join in these spirited commemorations:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 2007 as AFRICAN AMERICAN HISTORY MONTH in Illinois, and encourage all citizens to learn about the wonderful contributions that African Americans have made to our state, and to the nation as a whole.

Issued by the Governor on January 11, 2007.

Filed by the Secretary of State January 11, 2007.

2007-8**ILLINOIS ARTS ALLIANCE DAY**

- WHEREAS, The Illinois Arts Alliance has been the statewide arts advocacy and service organization promoting the value of the arts to all residents of Illinois since 1982; and

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WHEREAS, The Illinois Arts Alliance has used research, capacity building and communication to advance widespread support of all the arts, enhance the health of the arts and cultural sector, and foster a climate in which the broadest spectrum of artistic expression can flourish; and

WHEREAS, The Illinois Arts Alliance has established the arts as one of Illinois' leading industries, and has raised awareness that the arts enhance the quality of life, fuel creativity and innovation, sharpen the state's competitive edge, promote cross-cultural understanding, and connect Illinois to the international community; and

WHEREAS, The Illinois Arts Alliance has transformed Illinois with significant and increased support for the arts and culture from the public and private sectors; and

WHEREAS, The Illinois Arts Alliance has begun to transform Illinois' public education system by promoting the value of arts education as a required and core academic subject for every student in every Illinois school; and

WHEREAS, The Illinois Arts Alliance has provided innovative, accessible, diverse and quality products, programs and services to arts and cultural organizations and working artists in Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 16, 2007 as ILLINOIS ARTS ALLIANCE DAY in Illinois in recognition of their 25 years of service in our State.

Issued by the Governor on January 12, 2007.
Filed by the Secretary of State January 12, 2007

ILLINOIS ADMINISTRATIVE CODE

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